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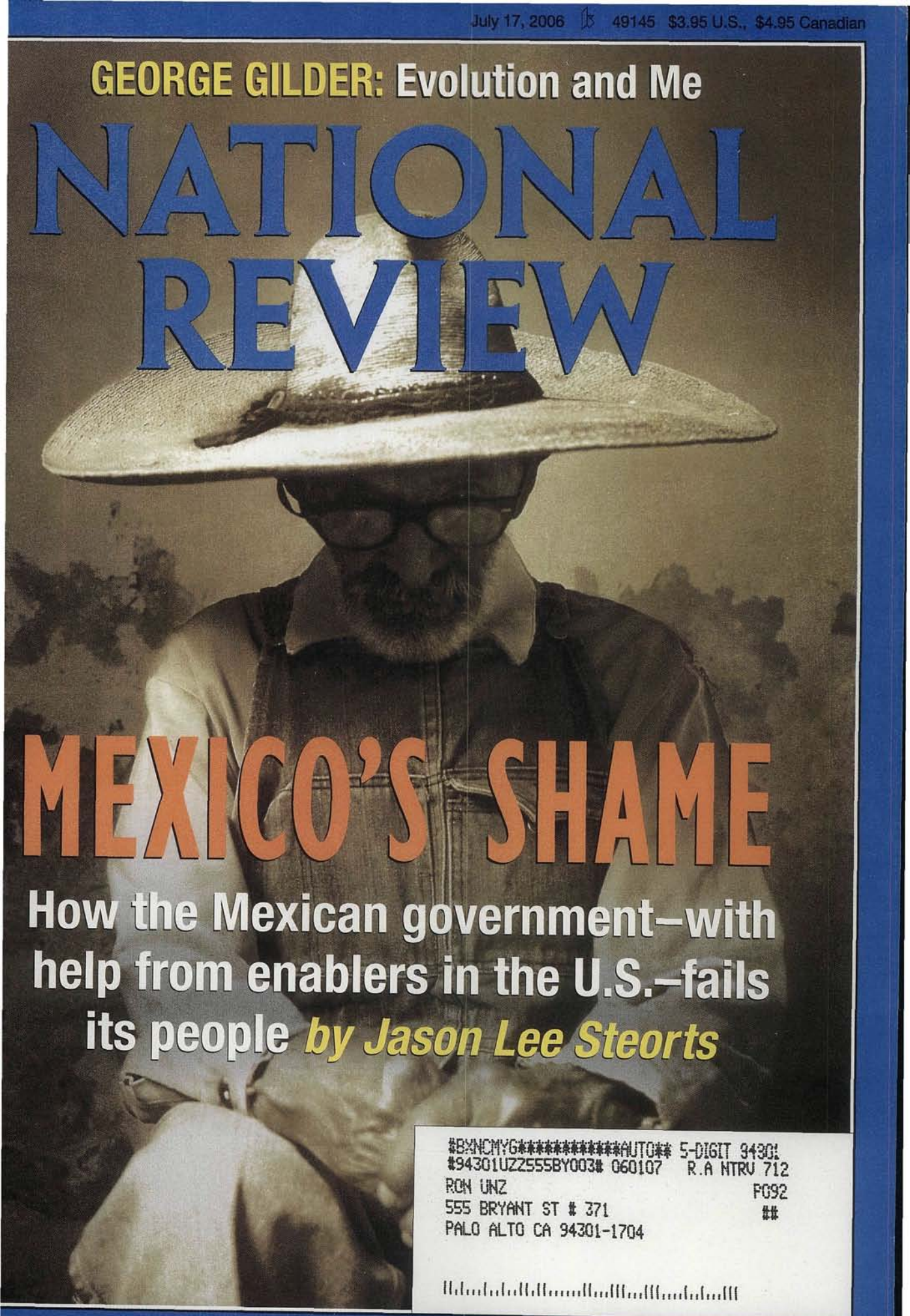
GEORGE GILDER: Evolution and Me

NATIONAL REVIEW



MEXICO'S SHAME

How the Mexican government–with help from enablers in the U.S.–fails its people *by Jason Lee Steorts*

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JULY 17, 2006 VOL. LVIII, NO. 13

NATIONAL REVIEW

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■ COVER STORY

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Mexico, Heal Thyself

Mexicans leave their country for a simple reason: They are poor, and the opportunities they lack at home can be found here. Their poverty in turn has its own causes: structural problems that have afflicted the Mexican economy for generations because no political force has the will and the means to solve them. *By Jason Lee Steorts*

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letters to the editor

HIGH CULTURE

In The Week (May 22), your discussion of the medicinal benefits of marijuana ends with the rhetorical question: "If some suffering patients believe they can find comfort in smoking dope, and they don't interfere with anyone else, what legitimate interest does the state have in prosecuting them?" That leads to a second question: If some patients find comfort in smoking crack, sniffing coke, or shooting heroin, what legitimate interest does the state have in prosecuting them? If you can answer the second question, you've answered the first.

James G. Baird
Woodstock, Ga.

THE EDITORS REPLY: We ask with the understanding that doctors and patients, including senior editor Richard Brookhiser, have found medical marijuana both helpful and non-addicting.

A SILVER LINING

While agreeing entirely with Roger Scruton's overall arguments against prostitution ("Old Profession, New Toleration," June 19), particularly his eloquent and moving conclusion, I must question his initial statement. He accuses the "German government" of shipping in prostitutes for the World Cup and "not asking too many questions about who obtains the women, by what method, and from where." Many politicians from the conservative Christian Democratic Union, of which the current chancellor is a member, are on record expressing great concern about "forced prostitution" (*Zwangsprostitution*) and calling for measures to prevent prostitutes from flocking to or being brought to the soccer matches. The churches have also launched a vigorous anti-prostitution campaign, albeit with too narrow a focus on those forced into the wretched trade. There is still hope: Not all Europeans are decadent post-Christians.

Ch. De Wolf
Chiba, Japan

WE THINK NOT

In The Week (June 19), you report that the Michigan Department of Education is trying to ban the use of "America" and "Americans" when referring to the United States, because doing so is apparently "inappropriate." In passing, you say that no adjective can be formed from "United States." Not so. I have been using "United Statesian" for a number of years. In addition, both French and Spanish have similar terms: *Etats-unisien* and *estadounidense* literally translate as "United Statesian."

Edmund A. Hamburger
Pinellas Park, Fla.

TOLD YOU SO

Over 70 years ago Lowell Thomas on his nightly newscast responded to indignation about the use of "America" and "Americans" for the United States and its inhabitants. He jokingly inquired whether we should call ourselves "United Statesers." No, that would not do, for there were also (at that time) a United States of Brazil and a United States of Colombia. And then, with laughter, he went off the air with, "I guess we'll have to call ourselves 'Rio Grande–49th Parallelers.'"

James A. Huston
Lynchburg, Va.

NOT TOO BRIGHT

In The Week (June 19) paragraph about Paris's yet again bestowing honors on convicted cop-killer Mumia Abu-Jamal, you refer to Paris as "City of Lights" (as in lamps). The common sobriquet for Paris is in fact "City of Light," as in enlightenment, dating from a time when Paris was the European center of learning. Given the context, however, the correct usage in this instance would be "City of Dimbulbs."

J. P. Badarau
Fair Play, S.C.

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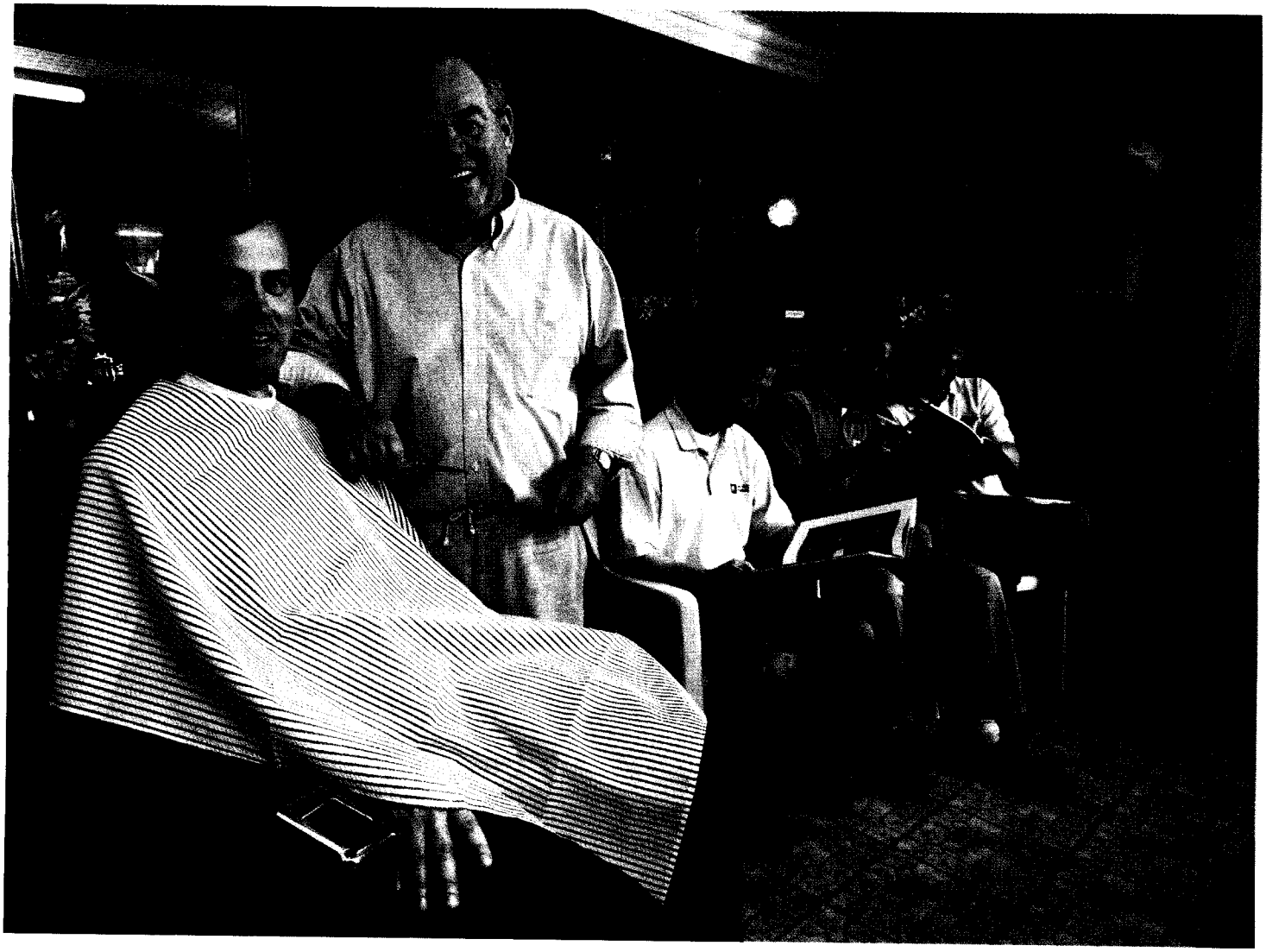

This barber knows his cutting-edge automotive technology

I'm Henry Besanceney, the only barber in Honeoye Falls, a small town in upstate New York. When you have GM's top scientists in your chair like I do, you get to know a lot about the newest cutting edge technologies. A whole lot. I've learned they're engineering the first drivable hydrogen fuel cell by-wire powertrains. It's an innovation that will outperform today's engines on cost, power and durability. The only thing missing is the pollutants. That's because the only emission the fuel cells produce is pure, clean water vapor. Now that's refreshing!

They say GM is also employing other renewable fuel technologies in their vehicles, like E-85 ethanol made from corn. You'd have to talk to a barber in Nebraska about that one.

Henry R. Besanceney

Henry Besanceney

Only GM

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THE WEEK

■ They say Bush is ineffectual abroad—how about the U.S. soccer team?

■ Thirty-nine conservative intellectuals, including such heavy hitters as Thomas Sowell and William Bennett, urged Congress to pass a bill to step up enforcement of the immigration laws before considering an amnesty or guest-worker program. Most House Republicans are sticking with that position. The White House is laboring to persuade them that the public eagerly awaits a "comprehensive immigration reform" including an amnesty and a guest-worker program, but they simply do not believe it. (Nor should they: The polls the White House cites have been worded to reach its preferred conclusion.) Supporters of comprehensive reform are now saying that the public will turn against a "do nothing" Republican Congress if it does not pass an immigration bill. But that is a reason for the Senate to enact the enforcement measures on which both chambers agree, and shelve its controversial amnesty and guest-worker program—preferably for a long, long time.

■ Pfc. Kristian Menchaca and Pfc. Thomas Tucker were ambushed, captured, and executed by terrorists in Yusufiya, Iraq. An official of the Iraqi defense ministry described their deaths as "very brutal. . . . The torture was something unnatural." During the Revolutionary War, when Maj. Henry Lee proposed beheading deserters, the commander in chief, George Washington, reproved him. "Examples however severe ought not to be attended with an appearance of inhumanity; otherwise they give disgust. . . ." That is how we aspire to fight wars; when we fail, it is a violation of our principles. During World War II the Nazis made Allied POWs carry boulders until they collapsed and died; the Japanese beheaded prisoners, and filmed themselves doing it. That was how they aspired to fight wars; it was an extension of their principles. Now, as then, the terrorists will be losers, as well as brutes.

■ The House took a small step toward sensible budget reform when it approved a line-item veto by a vote of 247 to 172. This is a less ambitious line-item veto than the one ruled unconstitutional by the Supreme Court in 1998: Instead of simply allowing the president to delete certain spending provisions, it would require him to ask Congress for their removal and guarantee an up-or-down vote within 14 legislative days. Used wisely, it would permit judicious budget trimming. The Senate should follow the House in passing it, and then both chambers should take up further budget reforms, such as caps on discretionary spending, controls on entitlement growth, and the creation of a commission to recommend the elimination of unnecessary federal programs. All of these provisions are included in a separate Senate bill sponsored by Sen. Judd Gregg. There may not be enough votes to pass a comprehensive package, but the GOP leadership should at least press forward with individual reforms. A series of minor victories could make a major difference.

ROMAN GENN

A there there: the new mayor of Oakland (see page 10)

■ More than two years ago, when President Bush announced his aim to start significantly shrinking the budget deficit, many critics guffawed. They called the goal an impossibility, a naïve and futile effort that would be undermined by the fat-cat Republican tax cuts. But now the plan is working. Driven by a surging national economy, tax revenues are increasing and the deficit is rapidly shrinking. Despite the strong and ugly updraft of federal spending, the deficit is on track in the next few years to continue falling until it approaches 2 percent of GDP. This is below the 2.5 percent that has been the national average since 1970, demonstrating that the alarmist critics were simply wrong when they claimed that the tax cuts would lead the country into economic ruin. There is a lesson here, and it is vindicatory of the central claim of supply-side theory: Easing the national tax burden spurs economic

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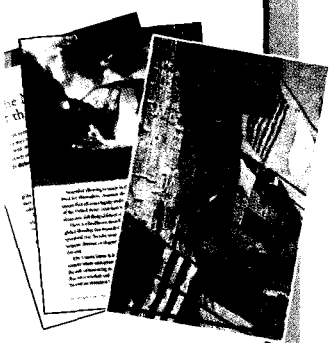

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In the new issue of the Hoover Digest . . .

What Ancient History Tells Us about the Present

Our strange indifference to events south of the border

Since the election of Hugo Chavez as president of Venezuela in 1998, there has been a drastic erosion of U.S. influence south of the Rio Grande. The most recent manifestations are the election victories of the coca-chewing populist Evo Morales in Bolivia and of the socialist Michelle Bachelet in Chile. And the anti-U.S. Andres Manuel Lopez Obrador may very well be elected president of Mexico in July.

It's not as if the new populists in Latin America are trying to duck our attention. Recently Chavez declared, "I think Hitler would be like a suckling baby next to George W. Bush." If Chavez were a Muslim leader, this would be front-page news. But because he says it in Spanish, everyone yawns. Come on, folks. Chavez is sitting on top of 6.5 percent of the world's proven oil reserves.

—Niall Ferguson

A Star Is Born

Auf wiedersehen, Gerhard Schröder. Guten tag, Angela Merkel

Although the new German chancellor, Angela Merkel, has a lot of work to do to revive her country's economy, on foreign affairs, she has already demonstrated a voice of moral seriousness and balanced judgment. Perhaps this has something to do with her coming of age in the police state of Erich Honeker's East Germany.

Consider, for example, Mrs. Merkel's response to Iranian president Mahmoud Ahmadinejad: "The absolutely unacceptable provocations of the Iranian president demand a reply from us. No one who has questioned the right of Israel to exist and disavowed the existence of the Holocaust can expect Germany to show the least tolerance in these questions. We [Germans] have learned from our history."

—Tod Lindberg

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THE WEEK...

growth and expands the revenue base, significantly mitigating the revenue loss that results from tax cuts. The national economy is a dynamic system, and it responds to the incentives and disincentives imposed on it by government policies. So the president has the right idea with his pro-growth policy of tax slashing—now if only he could take that hatchet to the bloated body of federal spending.

■ What a difference a week makes. In early June, the mainstream press was atwitter over the emergence of one Markos Moulitsas, better known as Kos, the creator of the popular left-wing website DailyKos. Moulitsas and the army of liberal bloggers who flocked to YearlyKos, his recent convention in Las Vegas, were the New Thing in Democratic politics, according to reports in the *New York Times*, *Washington Post*, *Los Angeles Times*, and elsewhere. And then, while still in the first lights of his newfound fame, Moulitsas encountered the scrutiny that goes with it. There were reports that his business partner, political consultant Jerome Armstrong, had been in trouble with the Securities and Exchange Commission for unethically touting penny stocks on the Internet. Then there were accusations that some of the political campaigns that have hired Armstrong had done so to win the blessing—and the megaphone—of DailyKos. Like many a beleaguered politician in the past, Moulitsas responded by attacking his critics and ignoring the charges. It's a strategy that usually fails—for politicians, and, now, for bloggers.

■ Until recently, the House of Representatives appeared ready to reauthorize the most controversial elements of the Voting Rights Act for another 25 years. The Judiciary Committee had approved renewal by a vote of 33 to 1, and House leaders were eager to have the full chamber add its rubber stamp. But then Rep. Lynn Westmoreland of Georgia convinced fellow Republicans to ask a useful question: Why are provisions that were adopted on an "emergency" basis in the 1960s still necessary in the 21st century? The answer is that they are not, and there is no reason they should apply to a handful of jurisdictions in the Deep South (Alabama, Georgia, Louisiana, Mississippi, South Carolina, Texas, and Virginia) and elsewhere (Alaska and Arizona) but not to the country as a whole. Rep. Steve King, an Iowa Republican, raised further concerns about requiring local governments to print election ballots in foreign languages: Aren't most immigrants supposed to pass English tests when they naturalize? Wishing to avoid a controversy, and knowing that these provisions don't actually expire for more than a year, House leaders pulled renewal off the fast track. They would now be wise to permit a sober reconsideration of legislation that encourages racial gerrymandering and linguistic balkanization.

■ Norman Mineta stepped down after five and a half years as secretary of transportation. Mineta, 74, had a long career—mayor of San Jose, congressman, aerospace executive, secretary of commerce for Bill Clinton—yet he will be remembered for the beginning and the end of it. As a boy, he and his family were among the Japanese Americans interned during World War II as potentially dangerous aliens. After 9/11, he vowed not to repeat that policy. Fair enough, except that what he imposed on the nation's air travelers instead was a regime of Procrustean rigor. Grandmothers from the Midwest were to be examined as scrupulously as young men from the Middle East. Thus he worked off the injuries of his youth, and impeded air security by distracting those responsible for it. He had the focus that the small-minded sometimes gain from their very limitations. He will not be missed.

■ On June 22, federal officials arrested seven Florida men for plotting to blow up the Sears Tower in Chicago, an FBI office in Miami, and other buildings. It now appears that this terrorist conspiracy had not advanced very far: The accused owned no explosives and were not in contact with al-Qaeda. Their plans, according to FBI deputy director John S. Pistole, were "aspirational rather than operational." For most, this is an occasion for relief. For the likes of *New York Times* columnist Maureen Dowd, however, it is an occasion to mock federal authorities: The "terrorist wannabes," she chirped, "look like they couldn't find the local Sears, let alone the Sears Tower." Apparently certain kinds of profiling have their uses. At any rate, it's a good thing the FBI doesn't take orders from liberal pundits. If we've learned anything since 9/11, it's that successful acts of terrorism require not only sinister masterminds but also willing dupes. We need to concern ourselves with both kinds, before terrorist wannabes become the real thing.

■ Sderot is a small town a few short kilometers from the Gaza Strip. Ever since the Israelis evacuated their Gaza set-

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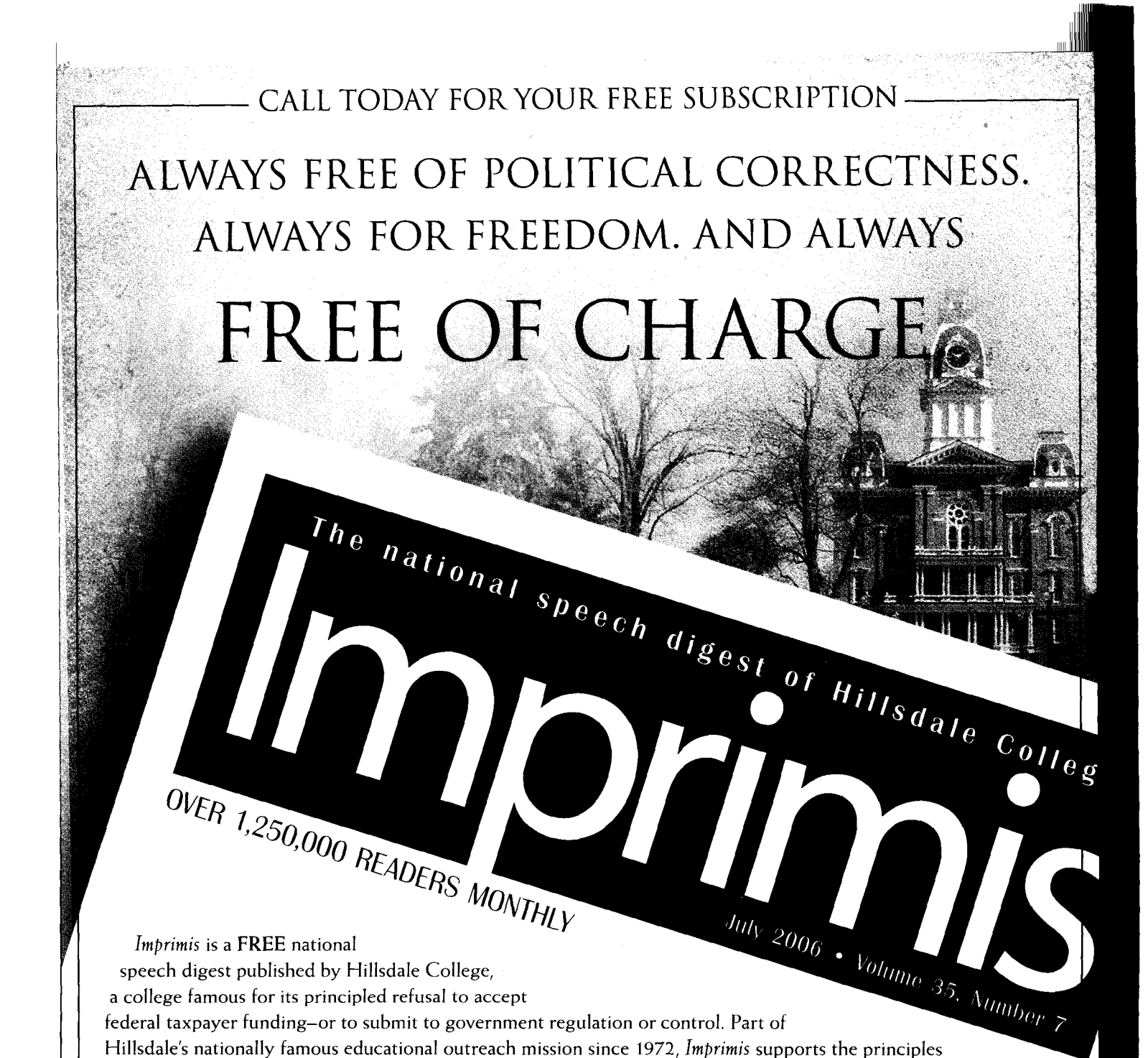

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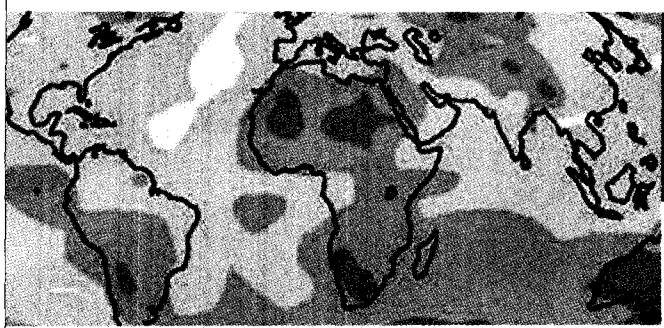
THE WEEK...

tlements, Palestinians have been firing their Qassam rockets at Sderot, as many as 30 in a week, and sometimes that many in one day. People have been wounded though not yet killed, but that is fortuitous, as one rocket hit a school at a moment when the children were in synagogue. No government could leave its citizens at the mercy of such attacks, and Israel has duly responded, killing a number of terrorists including the Hamas minister responsible for these operations. In one incident, a Palestinian family of five was killed while picnicking on the beach. Palestinians accuse Israel of murdering innocent people, but the Israeli deputy chief of staff denies culpability and suggests that a Palestinian landmine killed this unfortunate family. It is suspicious that the Palestinians have been tampering with evidence, for instance falsifying film taken that day. Armed Palestinians then emerged from a tunnel dug under the border to attack an Israeli military base not far from Sderot. After a firefight with casualties on both sides, the Palestinians escaped with a hostage, the 19-year-old Gilad Shalit, a Harry Potter look-alike. As we go to press, Israeli armored columns are assembling on the edge of the Gaza Strip. Although we favored Israel's disengagement from Gaza, right now the costs are more obvious than the benefits.

■ The American Bar Association has been in three recent news stories. First: It came out against Mike Wallace, one of Bush's judicial nominees, calling him "unqualified." The panel that evaluated him was heavily stacked with liberals, as National Review Online's Ed Whelan has documented, and led by a man who clashed with Wallace during the latter's service in the Reagan administration. Second: The U.S. Civil Rights Commission held hearings on the ABA's requirement



NASA

The Conquest of Global Warming

SOMETIMES the fastest way to fix a problem is to ignore it.

I remember learning from Ray Bradbury that the quickest way to send a man to Alpha Centauri (after the sun, the star system nearest to the earth) is to not even bother for the next century. If we sent a manned rocket to Alpha Centauri right now, the occupant would die centuries before he got there. And when the rocket did arrive, people from earth would probably be there to greet it, I hope in *Star Trek* uniforms. That's because some future generation will figure out how to do in weeks, days, or even minutes what it would take centuries to do with existing technology.

Right now, Al Gore insists that we have less than ten years to figure out how to stop global warming. I'm sure he means it, but it's a convenient diagnosis, as it requires everyone to drop what he's doing and follow Al Gore's instructions. If, on the other hand, people see global warming as possibly worrisome but not for a long time, they'll probably concentrate on more pressing matters. A modest increase in global mean temperature over the next century won't be enough to make us ditch the internal-combustion engine.

Global-warming skeptics are caught in an awkward Catch-22. If they concede that the earth is getting warmer because of human activity (as most do; the debate is over how much and whether it's dangerous), they empower the greens who own this issue. The problem is that many of these greens are actually what the Brits like to call "watermelons"—green on the outside, red on the inside. They assume that any serious problem requires economic planning and "collective action."

Conservatives should reject such intellectual base-stealing. Let's concede for the sake of argument that global warming threatens us in the long run. Do we really think the EPA and the U.N. bureaucracy are the people to stop it? When various societies faced extinction because of over-hunting, the ones that invented animal husbandry and switched from hunting to farming survived. Sure, some Gore-like tribal leaders might have said, "We must eat less deer," but the smart money was on raising your own livestock. Global-warming alarmists love the self-flagellation that comes with declaring human beings in general and capitalistic Western civilization in particular to be the problem. They're less keen on admitting that they might be the solution as well.

Rather than throw a wet blanket on the wealth creation and intellectual vitality that come with markets, why not take a fraction of the billions greens want to spend on mandatory CO2 caps and announce a Kennedyesque plan to create technologies that will mitigate global warming—should it prove to be a problem—by the middle of the century?

The National Academy of Sciences has recently broached the topic, asking scientists to investigate "geo-engineering." We could create orbital mirrors to deflect sunlight, bio-engineer algae to gobble up carbon, or put additives in jet fuel that would cool the atmosphere. "We should treat these ideas like any other research and get into the mindset of taking them seriously," Ralph J. Cicerone, president of the NAS, recently told the *New York Times*. How people react to such ideas could help us distinguish between the greens and the watermelons.

—JONAH GOLDBERG

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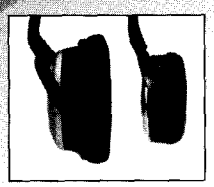

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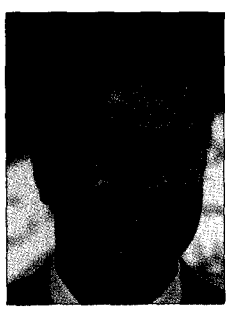
THE WEEK...

that law schools practice racial preferences in admissions as a condition of accreditation. The ABA has at least backed off its earlier view that where law schools were subject to state laws forbidding them to discriminate, they still had to follow the ABA's diversity policy. Third: The Justice Department urged a court to declare the ABA in contempt for having violated a consent decree related to its misuse of the accreditation process. Remind us again why the Republican Senate gives this organization an official role in vetting judicial nominees?

■ The 34th anniversary of tired old Title IX of the Education Amendments of 1972 was the occasion for the tired old claims that the law merely provides "equal athletic opportunities for boys and girls." A foul should be called when a law aimed at eliminating discrimination against women is interpreted to demand discrimination against men. The Bush administration finally appears willing to end the enforcement of the strict quotas in college athletics that have benched boys without boosting the number of girls at play. This welcome, overdue reform of Title IX would reflect the first rule of sportsmanship: Play Fair.



■ "Interesting." That has been the almost universal reaction to former Reagan Navy secretary and Vietnam veteran James Webb's victory in the Democratic senatorial primary in Virginia. Webb is loudly proclaiming himself an old-style conservative Democrat who happens to oppose the Iraq War—despite his newly minted liberal views on nearly everything. Democratic powerbrokers, exhibiting once again their taste for running anti-war vets, backed Webb, helping him over the top against his better-credentialed liberal opponent Harris Miller. Webb will certainly give Sen. George Allen a tougher race than Miller would have, and he could get traction by associating Allen with President Bush and criticizing Allen's budding pursuit of the presidency. (*How can he run for president and reelection at the same time?*) Webb's candidacy is an inconvenience for the heavily favored Allen—who would prefer to be working the early 2008 states with the same intensity as Mitt Romney and John McCain—but it is also an opportunity. If he is seen as effectively rebutting Webb's anti-war arguments and soundly beating a worthy adversary, he could burnish his 2008 credentials. But Allen can't look past this race, lest it get too interesting for his comfort.

■ The Illinois Governor's Commission on Discrimination and Hate Crimes is shamed by the ongoing presence of commissioner Sister Claudette Marie Muhammad, a member of the Nation of Islam. Gov. Rod Blagojevich, a Democrat, appointed her to the position last August. He now claims that he didn't know about her affiliation back then, but he certainly knew of it earlier this year, after Muhammad invited several of her fellow commissioners to attend a speech by Nation of Islam leader Louis Farrakhan in which he described how "false Jews promote the filth of Hollywood" and condemned the "wicked state of Israel." Five members of the panel subsequently quit. Muhammad has refused to criticize the comments—she has said merely that "they were perceived by some as anti-Semitic"—and Blagojevich has refused to remove her from the commission. The governor, who is up for reelection this year, has explained that he doesn't want to charge anyone with "guilt by association." Others aren't quite so indulgent. Recently, the Jewish Political Alliance of Illinois submitted a petition with 4,700 signatures that asks Blagojevich to fire Muhammad. It's not too late to correct this blunder, but if Blagojevich keeps on wishing away the controversy, he will be known as a patron of an apologist for anti-Semitism.

■ Ron Dellums—former Berkeley congressman, radical par excellence, friend to Castro and other Communist dictators—has been elected mayor of Oakland. He succeeds Jerry Brown, the flaky governor of California who made a sensible and salutary mayor, actually. One cannot be as hopeful about "Red Ron." He squeaked out a victory after running a campaign on "progressive issues," most notably "affordable housing" (i.e., housing subsidized by the private sector). Oakland has many problems, including rising crime and a large number of aging radicals easily excited by Dellums's talk. He may discover that governing is more difficult than far-Left posturing. And the people of Oakland may discover a pitfall of democracy: Sometimes you get what you ask for.

■ At a fundraiser in April, Detroit mayor Kwame Kilpatrick said that he welcomed the challenge of defeating the Michigan Civil Rights Initiative, a ballot proposal to outlaw racial preferences, because a referendum would give voters a chance to endorse color-coded public policy. "Bring it on!" he bellowed. "We will affirm to the world that affirmative action will be here today, it will be here tomorrow, and there will be affirmative action in the state forever." The echoes of George Wallace were strange, but perhaps even stranger is the mayor's hasty retreat from his vow: On June 22, Kilpatrick and several liberal civil-rights groups filed a federal lawsuit against the MCRI and its organizers, including Ward Connerly, with the goal of having the initiative removed from the ballot. The complaint accuses the MCRI's backers of lying about the purpose of their initiative during the petition-gathering process. The allegation is frivolous, but also revealing: The defenders of racial preferences never have been comfortable making their case before an electorate. When they try, they usually lose: California voters banned racial preferences in 1996 and Washington State voters banned them in 1998. Michigan voters deserve their own chance to do the same this year.

■ Iraqi Prime Minister Maliki has offered a limited amnesty for Iraqi insurgents. It would indemnify only those "not proved to be involved in crimes, terrorist activities, and war

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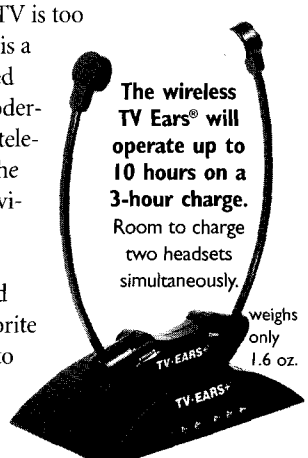

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THE WEEK...

crimes against humanity." What exactly that means for insurgents who have killed American soldiers is left deliberately vague, but politicians in the U.S. have denounced any amnesty that would apply to them. We think such denunciations, although understandable, are a mistake. Amnesties are typically part of the process of ending insurgencies; and if this one does not include Iraqis who have targeted Americans, it's not clear what use it will be, since those are exactly the people we want to put down their arms (the foreign jihadists who blow up civilians are beyond reaching). As a practical matter, we aren't going to be able to kill or jail all of those fighting us. If we could, we already would have won in Iraq. Having Sunni insurgents voluntarily reintegrate into Iraqi society is the next best thing, and without question it would further our strategic goal of creating a stable, democratic Iraq. How many would be willing to take an amnesty offer is unclear. But it's worth trying. Prevailing in Iraq, as we have often said, requires flexibility, patience, and a willingness to make uncomfortable comprises. Maliki is trying to figure what combination of carrot and stick can be made to work, and demagoguery from the American sidelines isn't helpful.

■ When Lord Baltimore and the Calvert family began settling Maryland in the 17th century, they implemented a policy of religious freedom for Christians. Their colony became a haven for Catholics in America. In today's Maryland, however, Catholics apparently need to watch what they say. On a public-affairs show, Robert Smith participated in a discussion of same-sex marriage. "Homosexual behavior, in my view, is deviant," he said. "I'm a Roman Catholic." For stating this belief, which is an accurate (if aggressively worded) reflection of the Church's view on homosexuality, Gov. Robert Ehrlich fired Smith from his position as a political appointee to the board of the Washington Metropolitan Area Transit Authority. "Robert Smith's comments were highly inappropriate, insensitive, and unacceptable," explained the governor, a Republican. His actions are disappointing, in part because on other matters he has not bowed to political correctness. But it appears that Ehrlich's "inclusiveness" does not include a place in the public square for Catholics who openly discuss certain tenets of their faith.

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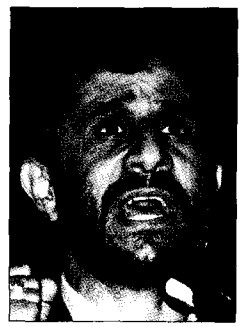
Schwarzenegger's winking, Mr. Bush;
McCain won't mind the store.
When frost is on the pumpkin and
The kids are at the door,
The people, who can be a beast,
As Hamilton observed,
Could work themselves into a snit.
The GOP's unnerved.

—W. H. VON DREELE



■ The longer Iran is allowed to dodge penalties for its nuclear activities, the closer it comes to building an atomic bomb. Having spent two years leading European diplomats in circles, the mullahs probably hope they can keep to their usual tricks until President Bush—the one world leader who seems serious about confronting them—leaves office. Bush was wise, then, to rebuff Iranian president Mahmoud Ahmadinejad's statement that Tehran would wait until mid-August to reply to the latest package of incentives it has been offered in exchange for giving up activities that could result in its owning nuclear weapons. For now, the other Security Council powers seem to agree with Bush, and have sent signals that, unless a response comes within the next few weeks, procedures for punitive action against Iran will begin. History suggests that the council lacks the mettle to act on this threat, but let us hope that history proves wrong.

■ The Iranian regime's conception of human rights was nicely summed up in its choice to head a delegation to the U.N. Human Rights Council in Geneva. Iran is not a member of the council, but it sent a group of diplomats to attend the opening session. Its leader: Saeed Mortazavi, known for his distinguished career as a prosecutor and judge in the Islamic Republic. He has closed more than 100 newspapers, jailed leaders of pro-democracy groups and acquitted the regime officials who tortured them, and spearheaded the mullahs' persecution of dissident journalist Akbar Ganji. The Canadian government also believes he played a prominent role in the rape and murder of a Canadian photographer inside an Iranian prison. Given the U.N.'s history of coddling human-rights abusers, Mr. Mortazavi was doubtless the toast of Geneva.

■ The government of Hosni Mubarak ordered the release of pro-democracy blogger Alaa Seif al-Islam. He was jailed in May during a crackdown on bloggers and protesters opposed to Mubarak. These arrests signaled that, even though Mubarak introduced some elements of competition into last year's elections, Egypt's government remains hostile to liberty. Al-Islam's wife Manal, who blogs with him, told the *Independent*, "There's no going back now. We'll definitely be continuing our activities." That's good news for the reform movement, and for the dozens of activists who are still behind bars.

■ We should like to bring you some news about the soccer World Cup, whose quarter-finals are being played as we go to press. Alas, no one at NATIONAL REVIEW is watching the games. Americans at large are singularly unenthusiastic about the whole spectacle. We only note in passing the fol-

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The Creation of Man, detail showing God Almighty, by Michelangelo, 1508-12, The Sistine Chapel, Rome.

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THE WEEK...

lowing odd paradox about soccer. The main proponents of the game in the United States, other than recent immigrants, are those Europeanized metropolitan elites who would not mind if we were to lose our national identity altogether in a globalized World State run by the U.N. The World Cup is, however, a vehicle for fierce nationalistic passions, especially among young and less-developed nations. As George Orwell noted 60 years ago: "International sporting contests lead to orgies of hatred. . . . There are quite enough real causes of trouble already, and we need not add to them by encouraging young men to kick each other on the shins amid the roars of infuriated spectators."

■ In those parts of the Third World where people are still bound by custom to prefer sons over daughters, yet have enough money to afford sonograms, the differential abortion of female fetuses is having some odd consequences. It has been going on for long enough now that there is a shortage of marriageable women, with the female-to-male ratio of births down to 70 percent in some areas. Farmers in the province of Gujarat have come up with a solution: wife-renting. For a modest fee—$175 per month seems to be the going rate—a man will rent his wife to another man. The deal includes sex and general housekeeping. For once we will not applaud man's ingenuity in finding free-market solutions to awkward social problems.

■ Sir John Hawkins was one of those intrepid 16th-century English seadogs who can fairly be called either an unscrupulous pirate or a worthy patriot, depending on your point of view. Sir John (he was awarded his knighthood by Elizabeth I in recognition of his key role in defeating the Spanish Armada) was, however, also a slave trader. On learning this unsavory fact, 37-year-old Englishman Andrew Hawkins, who believes that he is descended from Sir John, took himself off to Banjul, capital city of Gambia, to apologize for his ancestor's misdeeds. With 26 other penitents, Mr. Hawkins walked through the streets of Banjul, yoked and manacled, to a soccer stadium, where he made his apology to a crowd of several thousand. Gambia's vice president, Mrs. Isatou Njie-Saidy, accepted the apologies gracefully, then helped the penitents out of their shackles. Asked if it was really worth the trouble to repent the misdeeds of a hypothetical relative of 440 years ago, Mr. Hawkins replied: "It's never too late to say you're sorry." No, it's not; nor is it ever too early to put ancient rancors behind us and concentrate on the problems of our own time.

■ Amnesty International has long remained neutral on abortion. But now it's considering whether to take a position on the practice—in favor. Some national branches already have. If a majority of branches do the same, the decision could be made later this year, and, if not, the issue will be considered next year, at Amnesty's international meeting. It is sad to watch an esteemed organization devolve into yet another appendage of contemporary liberalism.

EDITOR'S NOTE: The next issue of NATIONAL REVIEW will appear in three weeks.

■ Dan Rather and CBS parted ways after 44 years—at least two years too late, considering the botch of Rather's story on George W. Bush's National Guard service, made worse by the dangling septuagenarian's refusal to depart. His career marked a grim intersection of ambition and economics. Rather had the hubris of a network newscaster (along with the drive and the energy). But he began work in the days when CBS was first of three, and saw the party joined by CNN, Fox, and the multitudes of new media. The tree frogs of the blogosphere should learn a lesson in modesty from his passing—though they can push a story or destroy a titan (e.g., Rather himself), they cannot present a picture the way network television could in its heyday. But they are an ineradicable part of the picture. Rather passes his baton to the Katie Courics and Anderson Coopers, who will be smaller figures yet.

LONNIE JULI/SCRIPPS HOWARD

■ Shortly after an investigative committee at the University of Colorado released a report faulting Ward Churchill for his serious ethical and professional failings, a second report came out from another university committee. The gist of it: "The Standing Committee reports that it agrees with the Investigative Committee's findings that Churchill 'has committed serious, repeated, and deliberate research misconduct.'" A six-person majority of the eleven-member committee recommended that Churchill be dismissed from the university for his infractions. This recommendation has been taken up, and will likely be carried out. In response, Churchill called the accusations "baloney"—but it seems he's the one headed for the grinder.

■ The Episcopal Church of the U.S.A. has elected its 26th presiding bishop, and for the first time the position has gone to a woman. The primate-elect, who will commence her nine-year term in November, is the Right Reverend Katharine Jefferts Schori, Bishop of Nevada. As well as being a woman, the Rt. Rev. Mrs. Schori is a liberal social-activist cleric from Central Casting. Asked for a comment on the direction she would like the ECUSA to take under her leadership, she replied: "Our primary emphasis needs to be feeding people, educating children, and looking for health care for everybody." Three years ago Bishop Schori supported the consecration of Gene Robinson, an open homosexual, as Bishop of New Hampshire. Her election will aggravate the deep differences of opinion in the ECUSA, three of whose dioceses still do not ordain women. Before taking holy orders, Mrs. Schori was a marine biologist, specializing in squids and octopuses. Looking down the ranks of the ECUSA bishops who elected her, one cannot help reflecting that Bishop Schori's early experience of dealing with invertebrates will prove very useful to her in her new post.

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■ With this issue, Ed Capano retires as our CEO, after more than 45 years with the magazine. When he began in our offices, Eisenhower was still president, Kennedy not having been sworn in yet. Ed is just about as integral to the magazine as the blue border. We will provide due fanfare in our next issue, following his gala farewell dinner. Until then . . .

AT WAR

Loose Lips

EVERY passing week, it becomes more apparent that disgruntled leftists in the intelligence community and anti-war crusaders in the mainstream media, annealed in their disdain for the Bush administration, are undermining our ability to win the War on Terror. Their latest blow to the war effort is the exposure, principally by the *New York Times*, of the Treasury Department's top-secret program to monitor terror funding.

President Bush, who has said that the exposure "does great harm to the United States of America," must demand that the *New York Times* pay a price for its costly, arrogant defiance. The administration should withdraw the newspaper's White House press credentials because this privilege has been so egregiously abused, and an aggressive investigation should be undertaken to identify and prosecute, at a minimum, the government officials who have leaked national-defense information.

The Terrorist Finance Tracking Program (TFTP) was initiated soon after the 9/11 attacks. It ingeniously focuses on the hub of interlocking systems that facilitate global money transfers. The steward of that hub, centered in Brussels, is the Society of Worldwide Interbank Financial Telecommunication, or "SWIFT." SWIFT is an organization of the world's financial giants, including the national banks of Belgium, England, and Japan, the European Central Bank, and the U.S. Federal Reserve. SWIFT, however, is not a bank. It's a clearinghouse that manages message traffic pursuant to international transfers of funds.

Intelligence about those communications implicates no legally recognized privacy interests. To begin with, they are predominantly foreign, and international. To the extent the U.S. Constitution might be thought to apply, the Supreme Court held nearly 30 years ago that records in the hands of third parties—including financial records maintained by banks—are not private, and thus not protected by the Fourth Amendment. Moreover, to the extent Congress later supplemented privacy protections by statute, those laws regulated disclosures by financial institutions. SWIFT is not a financial institution.

Despite this legal daylight, the Bush administration has gone out of its way to defer to privacy concerns. Assuming that American law applied, it obtained SWIFT information by administrative subpoena. It carefully narrowed its scrutiny to those transacting with suspected terrorists. It concurred with its international partners that the resulting intelligence should be used only for counterterrorism and security purposes—not for prosecutions of ordinary crimes (even though such prosecutions would be legal under American law). And it agreed to subject the TFTP to independent auditing to ensure that the effort was trained on terrorists.

By all accounts, the program has been a ringing success. The administration maintains that the TFTP has been central to mapping terror cells and their tentacles, and to shutting off their funding spigot. It has resulted in at least one major domestic prosecution for providing material support to al-Qaeda. It has also led to the apprehension of one of the jihad's most insulated and ruthless operatives, Jemaah Islamiya's Riduan Isamuddin, who is tied to the 2002 Bali bombing.

President Bush must demand that the New York Times *pay a price for its costly, arrogant defiance.*

But as has happened with other crucial counterterrorism tools—such as the NSA's program to monitor the enemy's international communications, which the *New York Times* exposed, and the CIA's arrangements for our allies to detain high-level Qaeda operatives, which the *Washington Post* compromised—the TFTP's existence was disclosed to the *Times* and other newspapers by anonymous government officials, in violation of their legal obligation to maintain secrecy. The Bush administration pleaded with the newspapers not to publish what they had learned. But these requests, rooted in the national-security interests of the United States, were rebuffed.

The *Times*, along with the *Los Angeles Times* (which also rejected a government request not to publish) and the *Wall Street Journal*, ran stories exposing the program. Yes, the public was being protected. Yes, terrorists trying to kill Americans were being brought to heel. Yes, it appears the program is legal. And yes, it appears the Bush administration made various accommodations out of respect for international opinion and privacy concerns. Despite all that, *New York Times* executive editor Bill Keller concluded that "the administration's extraordinary access to this vast repository of international financial data, however carefully targeted use of it may be, is a matter of public interest."

It is a matter of interest mainly to al-Qaeda. The terrorists will now adapt. They will find new ways of transferring funds, and precious lines of intelligence will be lost. Murderers will get the resources they need to carry out their grisly business. As for the real public interest, it lies primarily in safety—and what the *Times* has ensured is that the public today is less safe.

AT WAR II

Withdrawal Symptoms

WE may not know the best way to win in Iraq, but we do know the one guaranteed way to lose: pulling out U.S. troops prematurely. That happens to be the policy favored in some form or other by most Democrats, although they disagree with one another about how forthright to be about it. It is sign of the party's incoherence that every time a high-profile Democrat

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such as John Murtha or John Kerry proposes a pullout plan and Republicans insist on putting it to a vote, Democrats cry foul.

The party has had a complicated relationship with its convictions on the war from the beginning. In 2002, it demanded a full debate and congressional vote authorizing the war. When Republicans gave them just that in October 2002, they screamed that it was unfair to make them vote on a matter of national significance prior to an election. Democrats feared that their anti-war convictions wouldn't sell well with the public, so some of them voted for the war without truly believing in it. A few of them, such as Kerry, have been trying to squirm out of their votes ever since. But they don't think their preferred course on Iraq now—an immediate pullout—is popular either, so, until recently, they merely flirted with proposing such a course, always pulling back from the edge.

Kerry finally went over the edge a few weeks ago when he called for a pullout in six months. After careful strategic study—guffaw here—he then switched to favoring a pullout over a year. Other Democrats were irked when Kerry made them vote on his "plan" in the Senate; it got just 13 votes. The Democrats' preferred resolution, which also went down to defeat, called for the beginning of a withdrawal by the end of the year. This was a symbolic measure that would have been utterly meaningless if it weren't for the fact that what it symbolized was a lack of resolve.

Democrats obsess over troop levels simply because it is the way to push for a pullout.

Democrats couch their withdrawal proposals in the language of "changing course" in Iraq, of finding a new strategy. But there are plenty of strategic questions in Iraq besides troop levels. What do the Democrats think of the "inkspot approach" of gradually securing areas of Iraq, as opposed to just having U.S. troops pull back to their bases? What do they make of steps toward political reconciliation? Do they think the idea of creating provincial reconstruction teams is as important as the administration has sometimes suggested? On all these and other questions Democrats have very little to say. They obsess over troop levels simply because it is the way to push for a pullout.

Shortly after the Senate debate, it leaked that Gen. George Casey is considering a draw-down of several thousand troops by the end of the year. Democrats argued this showed that the administration was considering the very withdrawal that Republicans were attacking them for advocating. But General Casey's potential draw-down is contingent on security conditions and the state of Iraqi troops—different from a mandate from Washington to begin withdrawing regardless.

All of this is why the congressional GOP is shrewd to challenge Democrats on the war as much as possible. Can there be a more damning comment on the Democrats than that they have taken an unpopular war and managed, through the weird combination of their naked calculation and their heartfelt impulse to retreat from Iraq, to make it a political asset for Republicans?

NORTH KOREA

Test Case

WHY would North Korea prepare to test a long-range missile in plain sight of U.S. satellites and the world? There is much head-scratching over that, but it really shouldn't be a mystery. Aggressive and erratic behavior is pretty much what the North Korean economy is based on. It is what has allowed North Korea to extort aid from the rest of the world as a prop to its criminal regime.

The proper response is to make it clear to the Norks that we aren't playing that game anymore. That means eschewing the Clinton approach of shoveling help to Pyongyang in the hope of ending provocations. It also means using our missile-defense system against a North Korean launch, should it come to that.

The Taepo Dong-2 missile has the range to reach at least Alaska and Hawaii, and the gravity of North Korea's having this technology should go without saying. There is a wide expanse of ocean where such a test launch could fall harmlessly, but, on the other hand, the missile could be directed toward U.S. territory. If that does happen, the Bush administration would be in the odd position of taking a lunatic regime's word for it that a missile heading toward us was innocently intended.

Such a position is intolerable. If a North Korean missile—even an unarmed one—comes within the performance envelope of our nascent missile-defense system, we should try to shoot it down. We currently have eleven ground-based interceptors deployed at two sites in Alaska and California. The political fallout from an attempted shoot-down that failed would be enormous, of course. But confidence in the current system—based on the approach of immediately attaining whatever capability is plausible, and upgrading over time—has risen steadily in the last year among those with direct knowledge of it.

A couple of former Clinton defense officials and Newt Gingrich have proposed instead destroying the missile at its launch strike in a preemptive attack. This would be a neat solution, but it also would be an act of war against a sovereign state. We can't be sure that we would be prepared to handle any North Korean retaliatory response, especially given the drain of the Iraq War.

So long as the Communist regime remains in power, it will be a threat, and we have no choice but to continue upgrading our ability to defend ourselves. In that connection, the recent decision of the House to cut the administration's requested funding for ten additional missile-defense interceptors, and for a new launch site in Europe, is especially shortsighted.

It is very unlikely the North Koreans would put something nasty atop their missile. But this is another North Korean gambit in coercive diplomacy in which the message is most important. With the test, the North Koreans want to tell us, "We can threaten you." We should try to say back, through a defense, "No, you can't."

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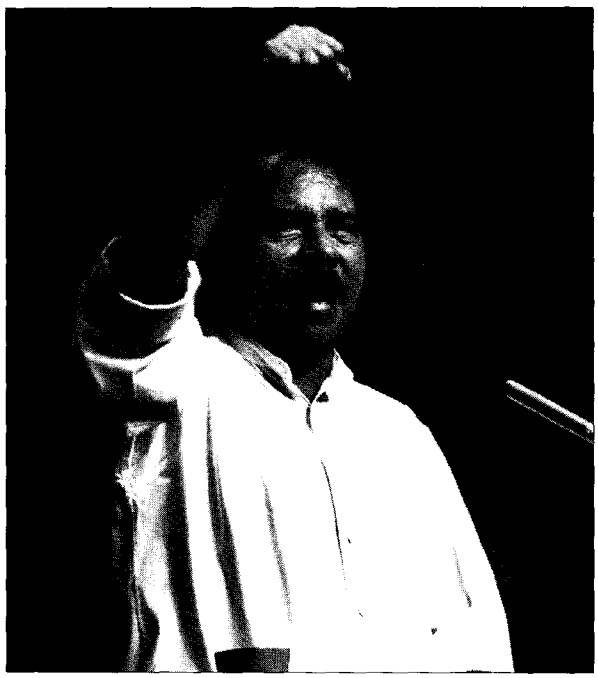

Comandante Ortega

■ LATIN AMERICA ■

Nicaragua Time, Again

Will a Reaganite be elected? Or will the chief Sandinista return?

JOHN J. MILLER

It's not unusual for politicians to invoke the memory of Ronald Reagan. Of course, most of those who do so are American—but not Eduardo Montealegre. He's trying to become the next president of Nicaragua, and he's calling for Americans to revive their Reagan-era interest in his country. "In the 1980s, the United States fought hard against Marxist expansion in the Western Hemisphere, and it drew a line in Nicaragua," Montealegre said in a June 14 speech at the Heritage Foundation. He believes the time has come to draw that line again.

His main opponent in the upcoming election is Daniel Ortega. Yes, *that* Daniel Ortega—the iron-fisted Sandinista leader who nationalized Nicaragua's economy, lifted its rate of inflation to roughly 30,000 percent, cracked down on dissent, inspired the Contra resistance movement, and otherwise ran his country into the ground while praising the Soviet Union's five-year plans and snarling at capitalism. You might have thought he was rotting in a prison somewhere on the Mosquito Coast by now, or at least living a life of exile in a French chateau. But instead, the man whom Reagan once called "a dictator in designer glasses" is back. Venezuela's Hugo Chávez has replaced the Kremlin as his patron, and the polls suggest that the resurgent Ortega has a real chance at victory on November 5. "The future of Nicaragua is at stake," warns Roger Noriega, a former Bush-administration diplomat who is now a visiting fellow with the American Enterprise Institute.

In truth, Ortega never really went away. Since losing a presidential election in 1990 to Violeta Chamorro—an election that he scheduled only because he was sure he would win—this Cold War leftover has remained a fixture in Nicaraguan politics. Propped up by yellow-dog Sandinistas, he ran for president in 1996 and 2001, finishing second both times. During this period, Ortega forged a cynical pact with Arnoldo Alemán, the man who beat him in 1996. They amended Nicaragua's constitution to give themselves lifetime seats in the legislature and immunity from prosecution: Alemán knew he was vulnerable to charges of corruption, and Ortega needed to fend off credible accusations from his stepdaughter that he had sexually abused her throughout the 1980s. The two men also used their party machinery to weaken the office of the presidency—a de-energizing of the executive that has crippled the government of current president Enrique Bolaños, an authentic reformer. Last October, deputy secretary of state Robert Zoellick traveled to Nicaragua and condemned the threat of "a creeping coup" led by "a clique of caudillos."

One of the most important elements of this creeping coup involves election rules: It is now possible for a presidential candidate who receives as little as 35 percent of the vote to win the race. This is widely seen as increasing Ortega's odds in a field that includes four major candidates. "He can't get 50 percent," says Montealegre. "The majority of the people are against the Sandinistas, but a minority of voters will support him, and these rules make it possible for someone to win with minority support." If Ortega draws about the same percentage of support as John Kerry did in Kansas in 2004, he could triumph.

Nicaragua is a small and poor country: Its president has fewer constituents than the mayor of New York City, and Haiti is the only country in the Western Hemisphere with a lower per capita GDP. Yet the nation has loomed large in the American mind for quite some time, at least since President William Howard Taft dispatched the Marines there in 1909. (They stayed almost constantly until 1933.) FDR's famous quip—"He may be a son of a bitch, but he's our son of a bitch"—was a reference to Anastasio Somoza, the father of the Nicaraguan dictator whose abuses of power allowed the revolutionary Sandinistas to gain popularity. A chief problem with the Sandinistas, who came to power in 1979, was that they

MIGUEL ALVAREZ/AFP

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were Moscow's sons of bitches, and they immediately tried to destabilize the region by exporting terrorism and revolution to Colombia and El Salvador. The Reagan administration responded by supporting the Contra rebels, at least when the Democratic Congress would allow it. Although Chamorro's election booted Ortega from the presidency, the Sandinistas have remained a significant force in Nicaraguan politics, currently controlling more than 40 percent of the national legislature as well as several municipal governments, including that of the capital city, Managua.

Today, despite these challenges, Nicaragua is a U.S. ally. It's a participant in the Central American Free Trade Agreement, making it part of a bloc of nations that together trade more with the United States than do the billion-plus citizens of India. Nicaragua even sent soldiers to Iraq—a force of 115 that probably didn't shock or awe anybody, but was enough to earn membership in the coalition of the willing.

The 51-year-old Eduardo Montealegre wants to maintain strong ties between Nicaragua and the U.S. Born in Managua, he went to boarding school in California and obtained degrees from both Brown and Harvard. But just as he was re-establishing himself in Nicaragua in the late 1970s, the Sandinistas seized his family's assets. "They took everything," he says. Montealegre returned to the United States, spent the 1980s working at financial firms in New York and Miami, and went back to his native land after the Chamorro victory. Since then, he has worked in the private sector and occupied a series of high-level government posts, including foreign minister and finance minister. Whereas Ortega appears to share a wardrobe with Fidel Castro, Montealegre looks and dresses like a banker. He is by nature a technocrat, but he also possesses a nerdy charisma, in the mold of the late Massachusetts senator Paul Tsongas, or perhaps current District of Columbia mayor Anthony Williams. "He's certainly not your stereotype of a Latin American populist," says Bernard Aronson, a State Department official in the first Bush administration.

Aronson is one of several former government officials who are backing Montealegre. Another is Jeane Kirkpatrick, who was Reagan's ambassador to the U.N. On June 14, both attended a fundraiser for Montealegre's political party at the Washington offices of Greenberg Traurig, a law firm with a nice view of Lafayette Square. (Although it's illegal for Nicaraguan candidates to raise money outside of the country, political parties are permitted to do so.) Those in attendance were perhaps as much anti-Ortega as they were pro-Montealegre. "It's ridiculous for Ortega to be on the ballot," says Kirkpatrick. "He hasn't changed. The Nicaraguan people shouldn't even permit him to hope that he'll be president."

OSWALDO RIVAS/REUTERS

Eduardo Montealegre

Montealegre believes that one of his most important jobs between now and the election is to remind Nicaraguans about how awful the Sandinista years were. The country's legal voting age is 16, and many of those who will cast ballots this fall won't have any memory of what happened in the 1980s. Older Nicaraguans certainly do, and many of those who were most severely affected by the Sandinistas are rallying behind Montealegre. At a candidate forum in Miami on June 11, he and two other candidates—Herty Lewites, a former mayor of Managua who broke away from the Sandinistas, and José Rizo, who represents Alemán's party—lit into Ortega before an audience of expatriates. "By far the strongest—and loudest—support went to Montealegre," reported the *Miami Herald*. These U.S. residents aren't allowed to vote unless they physically return to Nicaragua, but they are part of an influential diaspora that boosts the economy with their remittances. There are said to be more Nicaraguans in Miami than any other city in the world except Managua.

Apart from Ortega, Montealegre's main nemesis is Venezuelan strongman Hugo Chávez, who is trying to use his nation's oil wealth to build what he calls a Bolivarian Alternative for Latin America—a regional counterweight to the United States and what Montealegre labels "an axis of the authoritarian Left in Latin America." Chávez has allied himself with Castro, and last year he helped usher Evo Morales into power in Bolivia. This year, his meddling has sparked major controversies in the presidential elections of Mexico and Peru. Nicaragua is now coming into his crosshairs. In a blatant attempt to generate support for Ortega, Chávez is sending subsidized fertilizer and oil to cities and towns controlled by the Sandinistas. "What we're witnessing is nothing less than an attempt by Hugo Chávez to buy the elections in Nicaragua," says Montealegre. He's hoping that this claim will resonate among voters the way a similar allegation did in Peru, where Alan García defeated the Chávez-backed Ollanta Humala for the presidency on June 4.

In one recent poll, Montealegre and Ortega were virtually tied in first-round balloting: 28 percent for Montealegre and 27 percent for Ortega, followed by 18 percent for Lewites and 13 percent for Rizo. In a second-round runoff, Montealegre would trounce Ortega, 49 percent to 32 percent. Yet there is some question about the accuracy of such surveys in Nicaragua, especially in rural areas. Moreover, the country's election board is currently run by Ortega's cronies. "You can count on the Sandinistas to steal 5 percent of the vote," says Noriega. "They always have and they always will." Montealegre will need to make sure that his party, which lacks the Tammany Hall muscle of the Sandinistas, produces enough election observers to keep fraud to a minimum.

If Montealegre succeeds in beating Ortega, he may be able to make good on a campaign promise that's displayed prominently in a four-page handout his entourage distributed in Washington: "Saving the Reagan Legacy." **NR**

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■ CAPITOL HILL

Winning on Immigration

The merits of guts

KATE O'BEIRNE

WHILE talking to reporters about immigration reform recently, Sen. John Cornyn, Republican of Texas, floated a tantalizing option available to the House that would bedevil the Senate. "What if the House passed just the enforcement provisions of the Senate bill and sent it back to us?" Cornyn wondered aloud. When he was asked whether he'd vote for just those sections of the Senate's "comprehensive" bill, he replied with a chuckle, "I'd sure take a look at it." Later that week, House Republican leaders announced plans to hold hearings across the country on border security and on the most controversial provisions of a bill they have dubbed the "Reid-Kennedy" bill; and the "Border Security First Act" was introduced in the Senate by Pennsylvania Republican Rick Santorum.

In Washington's immigration-reform script, congressional Republicans have been cast as villains intent on blocking enlightened policies—but they are refusing to play the part of spoilers. They are instead spoiling for a fight they are confident they can win.

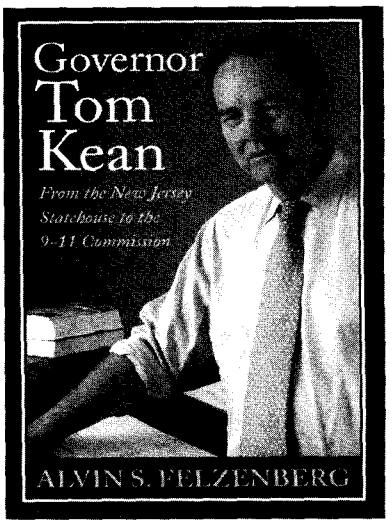
Rather than merely blocking action on a Senate bill they refuse to support, a unified House GOP caucus has decided to go on offense in order to wring the maximum political credit from being on the right side of their reading of public opinion. Because House Republicans fear the appearance of compromising with a Senate bill they are convinced is wildly unpopular, they have—according to a leadership aide—no intention of taking part in a conference to hammer out differences between the House and Senate unless "there is a sea change in either public or Senate opinion." The "Tancredo Republicans" the *Wall Street Journal* rails against as being out of touch with public sentiment include the majority of Republicans in the House and Senate. (Rep. Tom Tancredo, a Colorado Republican, is contemplating running for president on a border-security platform, hence the *Journal*'s phrase.)

The White House is touting a recent poll commissioned by the Manhattan Institute claiming that likely Republican voters are clamoring for "comprehensive" reform, including "earned citizenship" for illegal aliens; *Wall Street Journal* editors profess to be unaware of any contradictory polling evidence of public sentiment. But congressional Republicans who will be facing the voters are firmly convinced that backing border security now will mean job security in November.

The mid-June Tarrance Group survey of likely Republican voters found that 75 percent favored tougher border security, a crackdown on employers who hire illegal workers, and earned legalization for illegal aliens. The survey asked respondents about a proposal under which current illegal aliens would have to pay a fine, pay taxes, learn English, and go to the back of the line before being granted citizenship. A House GOP leadership aide scoffed at the poll as providing what Republican members consider a misleading summary of the Senate plan. (For example, under the Senate's bill illegal aliens will form a *wholly new* line—one that permits them to remain legally in the U.S.)

The leadership aide explains that, in any case, the GOP members' position on this issue doesn't rest on poll results. He allows that politicians can sometimes misread the public mood, but says that "this time the mood is so overwhelming, they can't miss it." Voters aren't waiting for a pollster to call to express their views on illegal immigration. In phone calls, in writing, and in person they are letting their congressmen know where they stand. Even the more liberal members of the House GOP caucus grant that in the short term it's good politics to strongly oppose the Senate bill, even as they fret over the possible political effects a decade or so from now.

A Senate Republican aide flatly adds, "If it were true that 75 percent of Republican voters want an amnesty bill, Rick Santorum wouldn't be introducing a border-security-only bill." He noted that the embattled Santorum faces reelection in a "purple" state—a mixture of blue and



GOVERNOR TOM KEAN

From the New Jersey Statehouse to the 9-11 Commission

Alvin S. Felzenberg

"Courted and admired by Presidents Nixon and Reagan, but always, as author Felzenberg describes, maintaining just the remove from partisan politics required to make him a national figure, keynoter at a Republican Convention and, finally, president of Drew University. It is all told here, with intelligence and insight, supremely informed, supremely readable."
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—**Jack Kemp**

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red—where he hopes to appeal well beyond the conservative base.

The polls promoted by supporters of the Senate's version of immigration reform typically don't mention the issues House Republicans will be raising during their hearings this summer. Provisions of the White House–backed bill that the House GOP will be highlighting include in-state tuition for illegal aliens and the allowance of Social Security benefits for illegal workers based on their use of fraudulent documents. Some hearings will focus on the national-security risk posed by chaos at the border, the problem of voter fraud, and the importance of English fluency and assimilation. One influential conservative who advises House Republicans expects "the drumbeat of bad publicity against the Senate bill" to put the Bush administration on the defensive for the next couple of months.

Republicans anticipate that their hearings will prompt demonstrations calling for amnesty—which, according to the Tarrance poll, 57 percent of Republican voters define as allowing illegal aliens to apply for citizenship. The poll also found that 47 percent of those who were aware of previous "pro-immigration demonstrations" were "strongly less likely" to support amnesty.

In a battle of the dueling polls, House Republicans find support in an April survey of likely voters by McLaughlin & Associates. The poll tested alternative messages on border security and found 93 percent agreeing that "we have to regain control of our borders so that we are the ones deciding who enters our country," and 84 percent agreeing that "we have to stop the flow of illegals before we address what to do about those who are already here." Even the survey promoted by the White House found that when presented with a range of choices on how to handle the problem of 12 million illegal aliens living in the U.S., the largest percentage of likely GOP voters (65 percent) "strongly" favored a proposal that included only border security and workplace enforcement.

While support for legalization of illegal aliens and guest-worker programs depends on how questions are phrased and what details are omitted, the overwhelming support for controlling the border is indisputable. So rather than being intimidated with the need to back "comprehensive" reform, congressional Republicans confidently favor a "consensus" reform that would dramatically reduce illegal border crossings. Republicans argue that "border security first" would avoid the costly mistake made in the 1986 immigration reform that promised border enforcement but only delivered an amnesty that encouraged more illegal immigration.

If Senate majority leader Bill Frist permits a vote on Senator Santorum's new bill—or if the House approves the border-security provisions of the Senate bill and returns them to the Senate—senators will have to decide whether they are willing to hold the border-security measures they claim to favor hostage to an amnesty program. **NR**

Senators Reid and Kennedy

ROMAN GENN

■ **CAPITOL HILL II**

Investigations To Nowhere

The Senate Intelligence Committee goes on and on, tediously, fruitlessly

BYRON YORK

It's probably safe to say that in October 2002, when she declared on the Senate floor that "intelligence reports show that Saddam Hussein has worked to rebuild his chemical- and biological-weapons stock, his missile-delivery capability, and his nuclear program," Sen. Hillary Rodham Clinton had no idea that statements like hers would one day be the subject of a full-scale Senate investigation. Nor could she have known that when she added a statement on terrorist connections—"[Saddam] has also given aid, comfort, and sanctuary to terrorists, including al-Qaeda members"—she made it even more likely that someday her fellow senators would be poring over intelligence documents, trying to determine whether her declaration was justified on the basis of the intelligence available at the time of the Iraq War Senate debate.

And yet that is precisely what has happened. At this moment, the Senate Intelligence Committee is engaged in a protracted investigation of the public statements of President Bush, Vice President Cheney, top administration officials, lawmakers in the House and Senate, and even officials of previous administrations to determine whether they exaggerated, cherry-picked, misrepresented, or otherwise manipulated intelligence in the run-up to the war.

It's not going well. In fact, the "statements investigation" is the main roadblock to completion of what is called "Phase Two" of the committee's probe of pre-war intelligence. A look at its history is a case study in how the rationale for the war in Iraq has retroactively become hopelessly politicized—and why that is unlikely to change anytime soon.

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As originally conceived in 2003, the committee's investigation was to focus on what went wrong with intelligence about Iraq's purported weapons of mass destruction. But from the beginning Democrats also wanted to investigate the Bush administration's use of the intelligence as it made the case for war. Most Republicans had no desire to go in that direction—they could see the whole thing turning into a political argument without end. Ultimately, a deal was struck. The committee would go ahead immediately with the basic intelligence investigation—dubbed Phase One—before examining the use of that intelligence in Phase Two.

Phase One was finished and the committee's report released in July 2004. To no one's surprise, it concluded that key intelligence judgments in the pre-war National Intelligence Estimate about Iraq "either overstated, or were not supported by, the underlying intelligence reporting." But it found "no evidence" that any of those mistakes were the result of political pressure from President Bush or members of his administration.

That left Democrats with a problem: The report did nothing to further the "Bush lied" theme that they hoped might help the party in the 2004 election. So Democrats pressed on for Phase Two. "I think people want their leaders to give them straight, unvarnished statements without exaggeration," Sen. Carl Levin, the number-two Democrat on the committee, told *Roll Call* in July 2004. "So if people believe that the administration or the president exaggerated or embellished intelligence, I think that there will be some people [who] would say that is a factor in their vote."

But, owing to the volume of the material involved, Phase Two couldn't be done quickly, and Republicans weren't keen to make it a priority. After the election, it progressed so slowly that Democrats shut down the Senate in November 2005 to protest the lack of progress. After that, things got moving.

As agreed to by Intelligence Committee chairman Pat Roberts and ranking Democrat Jay Rockefeller, Phase Two is actually five separate investigations. The first is a reexamination of pre-war intelligence; the second is an investigation of how the intelligence community used information provided by the Iraqi National Congress; the third is a look at the administration's pre-war assessments of post-war Iraq; the fourth considers Levin's allegations that former Pentagon official Douglas Feith distorted intelligence about the connections between Iraq and al-Qaeda; and the fifth is the public-statements probe.

Today, most of those investigations are nearing completion, with the notable exception of the public-statements matter. When it comes to that, the two parties have found it hard to agree on anything. After Democrats first proposed to investigate only Bush administration officials, Roberts pointed out that many members of Congress, as well as many members of the Clinton administration, had also made statements about Iraq's supposed WMD capabilities. Just look at what Senator Clinton said. And look at Ted Kennedy, who said, "We have known for many years that Saddam Hussein is seeking and developing weapons of mass destruction." And look at Levin himself, who said, "[Saddam Hussein] has ignored the mandates of the United Nations [and] is building weapons of mass destruction and the means of delivering them." Those statements should be investigated, too, Roberts suggested.

Then the chairman really surprised the opposition. When senators evaluate each statement in light of the intelligence that was available at the time, he proposed, they should do so blindly—that is, not knowing the identity of the speaker, so they would not allow any biases to influence their judgment on the appropriateness or inappropriateness of the statement. Only after making a ruling on a particular statement would a senator learn who had uttered it.

It would not be an exaggeration to say that Democrats—behind the scenes, of course—went bonkers over that suggestion. What if they condemned a statement made by one of their own? That's not what the investigation was supposed to be about—remember "Bush lied, people died"? What had started as a way to criticize the Bush administration threatened to backfire on Democrats.

So far, the problem hasn't been resolved, and no senator has examined any statement by anybody. The Republican committee staff originally prepared a chart of 300–400 statements, consisting of the statement alongside the intelligence purportedly justifying it. At the request of Democrats, that chart has now been turned into a narrative running more than 800 pages. But it's not clear whether any senator will actually read it. Critics point out that many lawmakers never read the 90-page National Intelligence Estimate that underlay the administration's case for war. Will they plow through 800 pages now?

And what, precisely, is in the narrative? Sources won't say which specific statements are at issue. (One amusing thing about all this is that the committee is conducting a secret investigation of public statements.) But it seems clear from conversations with several sources that investigators are focusing on a predictable set of high-profile administration statements made in the months before the war.

One object of Democratic interest is President Bush's October 7, 2002, speech in Cincinnati, in which he made several specific references to Iraqi weapons programs. Democrats are also said to be focused on a speech by Vice President Cheney in Nashville in August 2002 in which he declared that "many of us are convinced that Saddam Hussein will acquire nuclear weapons fairly soon." And then there is the famous presentation by then–secretary of state Colin Powell before the United Nations, as well as then–national security adviser Condoleezza Rice's statement that "we don't want the smoking gun to be a mushroom cloud."

So far no senator, Republican or Democrat, has made any final judgment about anything. And it seems unlikely they will agree on much. How could they? They are approaching the war from strikingly different points of view, and it seems guaranteed that they will reach different conclusions from the same set of facts—something Pat Roberts seems to have known from the very beginning. "Early on in the debate," says one source familiar with the situation, "Roberts's position [toward Democrats] was, 'We are going to end up in this room at some point in the future arguing over highly subjective judgments over whether something is substantiated, and your politics are going to drive your judgment, and our politics are going to drive ours. And we're never going to finish.'" **NR**

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■ CAPITOL HILL III

The Longest 'Emergency'

Congress debates (sort of) the Voting Rights Act of 1965

RAMESH PONNURU

In mid-June, a relatively small number of House Republicans persuaded their leaders to delay a floor vote on a bill officially called "The Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006."

California Democratic congresswoman Maxine Waters was furious, which is not unprecedented. "The notion that a handful of Republicans from southern states can rally enough support to hijack reauthorization of the Voting Rights Act is a slap in the face to the civil-rights pioneers after which this legislation is named," she said. "This delay is inexcusable." She added that Republicans have a "moral obligation," "out of respect" for those three women, to pass the bill immediately, "without amendments."

Howard Dean, chairman of the Democratic National Committee, agreed: "The renewal of the Voting Rights Act has broad bipartisan support and should not be held hostage by congressional Republicans pandering to the far Right of their party."

Some journalists piled on. When Rep. John Carter, a Texas Republican, suggested that the Voting Rights Act should be amended so as not to force states and localities to print ballots in foreign languages, the *Austin American Statesman* editorialized that he had "blurt[ed] out embarrassing comments." It lamented that such "historically illiterate griping stopped cold a vote to renew the 1965 Voting Rights Act for another 25 years."

Actually, much of the Voting Rights Act is permanent law and doesn't have to be renewed. It's the "emergency" sections of the act that are up for reauthorization. When Congress wrote the act, many southern states were engaged in extraordinary efforts to deny black citizens their Fifteenth Amendment right to vote. Congress therefore authorized extraordinary federal interventions for five years. But the deadline was extended in 1970, 1975, and 1982—in that last case, for 25 years.

Dean is right to say that another 25-year extension has "broad bipartisan support." President Bush, Senate majority leader Bill Frist, Speaker Denny Hastert, and the chairmen of the Senate and House Judiciary Committees—Arlen Specter and James Sensenbrenner, respectively—are on board, as are almost all Democrats. The House Judiciary Committee voted 33–1 for the extension. Sensenbrenner wants the full House to vote on the committee's version of the bill without being free to offer amendments.

The renegade Republicans who have Waters and Dean so exercised are not trying to get rid of the Voting Rights Act. They are, in the main, objecting to two specific provisions of the act. The first, as mentioned, is the act's requirement that some states and localities print ballots in languages other than English. Since immigrants are supposed to have English proficiency to become citizens, many congressmen think that it serves no good purpose to print ballots in other languages, let alone to require it. If they cannot eliminate this requirement altogether, they want at least to allow localities that have not had many requests for foreign-language ballots in recent elections to stop printing them.

Not all of the congressmen who want to loosen this requirement are southerners, as Waters suggested. Their leader is Steve King, a Republican congressman from Iowa, who thinks it odd that something called the "Voting Rights Act" should be debated without congressmen having the chance to vote to modify it. He is the one member of the House Judiciary Committee who voted against the act's extension.

The second provision requires officials in several "covered jurisdictions," mostly in the South, to get "pre-clearance" from the Justice Department before they change any of their election laws or procedures. This requirement is a practical burden, since it means that moving a voting booth a block may have to wait on federal approval. Some southern congressmen also take it as an insult.

Lynn Westmoreland, a freshman Republican congressman from Georgia, has led the charge against this provision. A trio of think-tankers has provided intellectual support for him: Abigail Thernstrom (the Manhattan Institute), Ed Blum (the American Enterprise Institute), and Roger Clegg (the Center for Equal Opportunity). They point out that the covered jurisdictions show no sign of treating black and Hispanic voters less fairly than other jurisdictions. In Georgia, a covered state, blacks are more likely than whites to register to vote and to vote. Liberals today tend to think that a felon, having spent his time in jail, deserves to regain the right to vote. But they don't think that after 40 years Georgia should regain the ability to set its own election rules. Indeed, Clegg and the others argue that Congress is exceeding its constitutional powers by continuing to single out such states.

Jeff Lungren, a spokesman for Sensenbrenner, defends the law by noting that it is possible for a jurisdiction to work with the Justice Department to end its covered status. Eleven counties in Virginia have done that since the 1982 reauthorization. Georgia's problem is that it keeps submitting election-law changes that don't pass muster. The Justice Department has objected to the state's proposed changes 91 times since 1982—more times, Lungren points out, than it objected to proposed changes between 1965 and 1982.

Those data can, however, be read in more than one way. If only eleven counties have escaped the Justice Department in 25 years, maybe the standards for doing so are too high. Does anyone believe that those counties have changed dramatically more than the rest of the South? For that matter, does anyone believe that Georgia treats black voters worse over the last 25 years than it did over the previous 17?

Charlie Norwood, another Republican congressman from Georgia, is trying to amend the act. Most of the covered states got that way because of their statistics on minority voting in 1964. He wants to determine which jurisdictions are covered based on the last three elections, and continually update the list. Westmoreland says that his state shouldn't be "in the penalty box for 66 years, with no hope for a reprieve."

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Many of the Republicans who favor extending the act, with no floor amendments, are just afraid of being called racist or, what amounts to the same thing, "against the Voting Rights Act." Other Republicans, however, believe that the law has benefited them and will keep doing so. In the 1990s, the act was used to pack black voters into congressional districts so as to elect black candidates (and to pack Hispanic voters into districts so as to elect Hispanics). These "majority minority" districts have been overwhelmingly Democratic. Creating them, by concentrating Democratic voters, has reduced the total number of Democratic-leaning districts. Congressman Tom Feeney, a Florida Republican, says that the Voting Rights Act was as important as the Contract with America in giving his party control of Congress, and that it remains vital. This is a reasonable assessment.

This racial gerrymandering has also made congressional elections less competitive. It has contributed to the racial polarization of the parties, keeping Republican House members from representing many black or Hispanic voters and keeping such voters from being able to vote for many viable Republican candidates for House seats. It has also made it harder for minority candidates to develop the multiracial followings necessary to win statewide office.

The Supreme Court has struggled to interpret the Voting Rights Act and the Fourteenth Amendment's equal-protection clause so as to be consistent with each other. In *Georgia* v. *Ashcroft*, a 2003 case, Justice Sandra Day O'Connor wrote a characteristically muddled decision for the Court. The ruling gave state legislatures more leeway in drawing lines for congressional districts.

They had previously been required to maximize the number of minority officeholders who were likely to be elected, or at least to keep that number from falling. O'Connor's ruling allows legislatures to create districts with large minorities of black (or Hispanic, or Asian) voters. Those voters could combine with some white voters to elect their favored candidates. That way, black voters might end up having more influence over the government.

O'Connor thus, to her credit, moved away from the pernicious idea that only black officeholders can represent black voters. But she moved closer to the idea that only liberals, be they white or black, can represent black voters. Think about how this would work in practice. Let's say an election put Democrats in charge of what was normally a Republican state, and they enacted a gerrymander that locked their power in place. A Democratic gerrymander would almost certainly increase the total number of districts that were dominated either by black voters or by a combination of blacks and white liberals. O'Connor's rules would be no obstacle to such a plan. But when the Republicans had a chance to redraw the lines, the rules would be a nearly insuperable obstacle. Any redistricting plan of theirs would reduce minority influence.

Both the text and the legislative history of the Voting Rights Act suggest that it enshrines, rather than eliminates, the double standard on partisan gerrymanders.

In other words, O'Connor's decision gave legislatures added leeway only to help Democrats. It would put the federal government in the position of putting a thumb on the scales in favor of Democratic redistricters.

Top Republican officials think that the *Georgia* v. *Ashcroft* rules could eventually cost their party 10–20 House seats. So even if the Voting Rights Act has helped Republicans in the past, there is no guarantee that it will continue to do so. The Republican supporters of extending the act's expiring provisions think that they contain language that heads off this threat. They're wrong. Both the text and the legislative history of the act suggest that it enshrines, rather than eliminates, the double standard on partisan gerrymanders.

The bill will thus promote the racial balkanization of the electorate without helping the Republican party. A Senate Republican aide sums it up: "When you're cutting a deal with the devil, you'd better be damned clear on the terms of the deal." NR

■ DEFENSE

That Shield, Not a Sword

How goes Ronald Reagan's goal of anti-ballistic-missile defenses?

TAYLOR DINERMAN

THE uproar over the expected North Korean missile test brings the question of missile defense, once again, to the fore. Before Ronald Reagan gave his 1983 "Star Wars" speech, both Democrats and Republicans believed that the only way to counter the USSR's nuclear threat was to deter aggression with an arsenal of our own while negotiating (dubious) arms-control agreements. Since then, the GOP has been the pro-missile-defense party, and the Democrats have remained mostly opposed.

After launch, a nuclear missile is most vulnerable in its boost phase, when moving at relatively slow speeds and releasing a huge amount of heat that makes it easy to target. But it can also be intercepted in its mid-course phase, when the warheads, along with any decoys, have been deployed; and in its terminal phase, when the warheads dive toward their targets and the decoys burn up in the atmosphere. Reagan's Strategic Defense Initiative included ideas that would intercept missiles in all three phases.

In spite of limited budgets and the ABM treaty's restrictions on testing and development, the Strategic Defense Initiative Organization (SDIO) made impressive progress. It found that a space-based defense that could hit a missile in its boost phase was technologically possible. This project, known as Global Protection Against Limited Strikes, was ready to move into testing and production in 1993, when it was canceled by Bill Clinton's first defense secretary, Les Aspin, who reportedly boasted that he was going to "take the stars out of Star Wars."

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The 1994 midterm election changed everything. GOP leaders, now in the majority, pushed hard for Reagan's vision. Clinton, recognizing the political futility of openly opposing missile defense, decided to let the SDIO (now renamed the Ballistic Missile Defense Organization) proceed with plans to build a basic missile defense while keeping within the limits of the ABM treaty. The primary focus of this project was to be a ground-based interceptor that would hit warheads in mid-course, the phase in which they are hardest to target.

George W. Bush took office in 2001 committed to building a missile-defense system "as soon as technologically possible." His new secretary of defense, Donald Rumsfeld, had chaired two panels on missile defense and military space activities. One of those, the Commission to Assess the Ballistic Missile Threat to the United States, had concluded in 1998 that "the threat to the U.S. posed by [enemy missiles] is broader, more mature and evolving more rapidly than has been reported in estimates and reports by the intelligence community." The commission estimated that North Korea's Taepo Dong 2 missile could reach Alaska and parts of Hawaii. It also wrote that a lightweight version of the same missile could place at risk "western U.S. territory in an arc extending northwest from Phoenix, Arizona, to Madison, Wisconsin." It noted that Iran was moving forward rapidly with both missile and nuclear-weapon technology. Finally, it said that these states had the ability "to deceive the U.S. about the pace, scope and direction of their development and proliferation programs."

After 9/11, it became clear that the U.S. could not take any chances. It is sometimes said that missile defense has nothing to do with terrorism, but that claim loses plausibility as Iran, the world's greatest terror sponsor, pursues both nuclear weapons and advanced missile technology. In December 2001, Bush decided to scrap the ABM treaty and proceed with an unrestricted version of Clinton's missile-defense plans. Despite a number of test failures, the Ballistic Missile Defense System is now in place in rudimentary form. It includes ground-based interceptors in Alaska and California under the Army's 100th Missile Defense Brigade. A number of highly effective SM-3 sea-based interceptors, which can be launched from Aegis cruisers and destroyers, are also part of the system. Meanwhile, we are making good progress on the Terminal High Altitude Area Defense system, which will supplement our Patriot missiles. Also promising is an airborne laser, mounted on a Boeing 747, that will be able to hit Scud-type missiles in their boost phase. But it's unlikely that either of these systems will be ready before 2010.

Internationally, missile defense has been embraced by the Japanese, who are buying a number of advanced Patriot missile units, as well as SM-3 sea-based interceptors for their own Aegis destroyers. Israel has a fairly modest defense against ballistic missiles called the Arrow, developed with, and partly paid for by, the United States. In Europe, Germany and Italy are participating with the U.S. in a project based on the Patriot. Britain and Denmark have both given the U.S. permission to use existing American radars in Yorkshire and Greenland for missile defense. Even the French, who have long been extremely hostile to missile defense, are hoping to give their new Aster anti-aircraft missile a defense capability.

By withdrawing from the ABM treaty, the Bush administration has shown the courage to take on arms-control ideologues, but it has not been willing to take the next logical step and begin work on a space-based defense. This has disappointed many missile-defense advocates who believe that only space-based, boost-phase interceptors can knock down enough enemy missiles in the early stages of an attack to keep mid-course and terminal defense systems from being overwhelmed.

Building an effective boost-phase interceptor program would involve the further weaponization of space, and is extremely controversial. The idea upsets liberals, most foreign governments, and the transnational organizations of the "international community." But the U.S. is under no obligation to eschew space-based missile defense. The Outer Space Treaty of 1967 prohibits placing weapons of mass destruction in space, but other types of weapons are allowed. In fact, the Soviets were the first to station a weapon in space when, in the early 1970s, they equipped one of their *Salyut* space stations with a 23-millimeter automatic cannon. Rumor has it that they fired it once, with less-than-satisfactory results.

Some people who don't object to the idea of space-based defense in principle oppose it on practical grounds, pointing to cost overruns and delays on many of the military's main space projects. But these problems are the result of Clinton-era blunders. Under Clinton, the Defense Department disencumbered itself of considerable engineering talent and left contractors with little effective supervision. At the same time, the process used to define the capabilities required in future military spacecraft went wildly out of control. A perfect example of this was the way the U.S. Forest Service helped write the specifications for the Space Based Infrared System satellites that are designed to detect missile launches. Someone figured that, since SBIRS can detect heat from a missile launch, it might also be useful in detecting forest fires. Combining this capacity with all the other extraneous requirements made the system so complex that it will end up costing more than 150 percent of its originally estimated price, and its first components will be at least five years late reaching orbit.

The biggest obstacle to missile defense today is the lack of funds for long-term technology development. Congress has cut some missile-defense funds in the 2007 budget, particularly for a proposed European ground-based interceptor site, though these might be reinstated if the administration specifies exactly where and when it wants to build the facility. The more serious problem is that the focus of missile defense has changed. The strength of Reagan's SDI program was its willingness to develop new ideas and finance high-risk, high-payoff research. But the need to get missile defense operational as soon as possible eventually overrode the emphasis on new science and technology.

Notwithstanding its many imperfections, missile defense is now in place, and this is a step in the right direction. It provides the U.S. military with a foundation on which to build an ever-improving system. When, and if, that system is equipped with space-based interceptors, it will go a long way toward Ronald Reagan's goal of making nuclear missiles "impotent and obsolete." **NR**

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■ COVER STORY

Mexico, Heal Thyself

The Mexican economy is a sick man, and could use several doses of Reaganism

JASON LEE STEORTS

If there is a leitmotif in the immigration debate to vex a conservative soul, it is the idea that border enforcement is anti-Mexican. This idea is vexatious because it ascribes the worst possible motives to border-enforcement advocates while disregarding the substance of their position. But it is also vexatious for the simpler reason that it isn't true. Reasonable people can disagree about whether the social and economic effects of illegal immigration on the United States are positive or negative; and reasonable people can plausibly claim that Mexico benefits from the remittances that illegal immigrants send home. What is considerably less plausible is the notion that Mexico's long-term interests are advanced by the exodus of 10 percent or more of its population.

"It's easier to blame other people than to blame yourself," says Fredo Arias-King, who served as a foreign-policy adviser to Mexican president Vicente Fox during his 2000 campaign. "You can export your problems to the unwitting United States. But it's not good for Mexico when American politicians don't stand up for their own dignity. Instead they just say, 'Yes, of course, we should help the [illegal] Mexicans.'"

Those Mexicans leave their country for a simple reason: They are poor, and the opportunities they lack at home can be found here. Their poverty in turn has its own causes: structural problems that have afflicted the Mexican economy for generations because no political force has the will and the means to solve them. While doing so would probably be hard under any circumstances, it is much harder when millions of the poorest Mexicans—those who have the most reason to demand reform—quit their country altogether. Mexico's politicians have, in effect, deported their most dissatisfied constituency.

Norman Bailey, a former special assistant to Ronald Reagan for international economic affairs, explains that "Mexico has a safety valve which most other countries don't have. Most countries either collapse or they do the necessary thing. Mexico has never been in the position of being forced to do the necessary thing." That may be the best way of explaining what Arias-King experienced as an adviser to Fox. In a paper forthcoming from the Center for Immigration Studies, he writes that meetings with the candidate involved far less discussion about "tak[ing] tough decisions to reform Mexico" than about "get[ting] more concessions from the United States." And that is of course the strategy which Fox—through his vigorous advocacy of the Bush guest-worker-cum-amnesty plan—has pursued. But as his successor is elected on July 2, the most important message America can send Mexico is: Heal thyself.

THE ANSWER

How should Mexico heal itself? The answer, distilled to its essence, is freer markets. Despite Mexico's entry into NAFTA and the privatization push of former president Carlos Salinas, huge sectors of the Mexican economy are still dominated by monopolies and oligarchies. This is in part because the privatization of state enterprises was botched by Russian-style cronyism, most notoriously in the case of Telmex, the Mexican phone company. It was bought by a group of investors whose principal was Carlos Slim, a friend and supporter of Salinas. The deal turned a public monopoly into a private one, to the benefit of almost no one but Slim, who is now the world's third-richest man. Similarly anti-competitive structures exist in other sectors.

Even more damaging to the Mexican economy, however, is the state-owned energy monopoly. Only two countries in the world forbid foreign investment in oil exploration. One is North Korea, and the other is Mexico. State ownership of energy resources was enshrined in the Mexican constitution with the nationalization of the oil industry in 1938. Not surprisingly, the public sector is failing where the private would succeed. Mexico is the fifth-largest oil producer in the world, but Pemex, the state oil company, is going broke. That's because the government takes almost all of its

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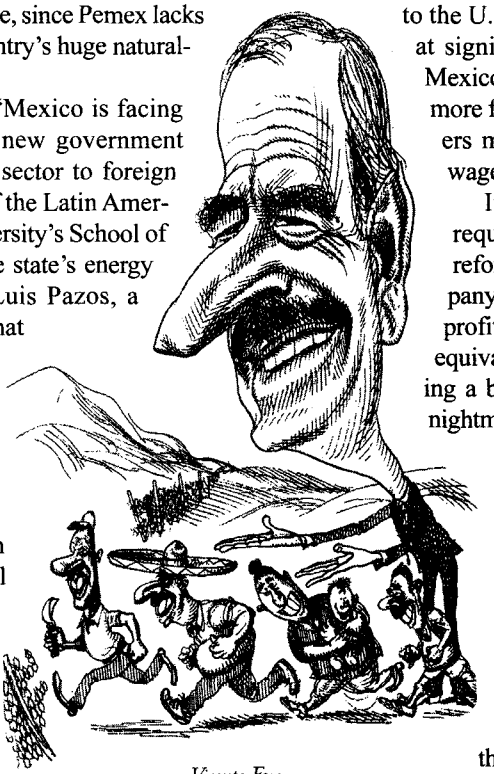
profits to fill state coffers. The Mexican tax system is rife with corruption and evasion. According to a recent study, 40 percent of businesses and 70 percent of professionals and small-business owners either cheat on their taxes or pay nothing at all—so the government leans on Pemex to make up the difference. It contributes fully a third of state revenue.

Despite high oil prices, Pemex is in debt by $85 billion, and lacks the capital to invest in new exploration and development. More than half of its oil comes from a single field that is running dry, and industry analysts predict that all of Mexico's proven reserves could be exhausted ten to twelve years from now. That might not be a problem if Pemex had the money and technology to sink new wells in the Gulf of Mexico, but it has neither. And the one obvious solution—calling in foreign investors, as even Fidel Castro's Cuba has done—is forbidden. Mexico's statism has also made it an importer of natural gas and gasoline, since Pemex lacks the funds to build refineries or to tap the country's huge natural-gas reserves.

None of this bodes well for the future. "Mexico is facing rolling blackouts in a year or two if the new government doesn't find a way to open up the energy sector to foreign investment," says Riordan Roett, director of the Latin American studies program at Johns Hopkins University's School of Advanced International Studies (SAIS). The state's energy monopoly is also hurting employment. Luis Pazos, a prominent Mexican economist, estimates that allowing foreign investment in oil refining alone would create 200,000 jobs.



Vicente Fox

ROMAN GENN

1.4 HECTARES, NO MULE

Perhaps even more relevant to migration patterns are Mexico's socialistic farming practices, which inflict needless penury on the countryside, and particularly the rural south whence many illegal immigrants come. According to a 2002 report by the Mexican government, 42 percent of the rural population lives in extreme poverty, compared with 12 percent of urbanites. This poverty is the predictable byproduct of the communal farms, known as *ejidos*, that were introduced in the land reform of 1917. The government expropriated large farms—and, later, mid-sized and small ones—and redistributed them in tiny plots to farmers within larger collectives. By the time the program was discontinued in 1992, the size of the new plots being given out had shrunk to a mere 1.4 hectares (just under 3.5 acres).

Such small tracts are incapable of growing crops at competitive prices. The government only made things worse by subsidizing the farmers' production and then subsidizing the harvested crops a second time at market. Meanwhile, the *ejidatarios* were denied property rights. They could neither sell nor rent their land. They could bequeath it to only one heir (though many subdivided it illegally, with the result that large numbers of peasants now work land to which they have no legal claim). And they could not pledge it as a loan guarantee, making it impossible for them to secure private credit. A constitutional amendment in 1992 allowed *ejidatarios* to obtain full property rights, but officials whose power depends on the *ejido* system have blocked the amendment's implementation so successfully that, after ten years, only 1 percent of the land had been privatized. Is it any wonder that Mexico's farmers look for opportunities beyond their country's borders?

Even as the rural poor have stayed poor, the industrialized northern cities—which flourished under NAFTA in the 1990s—are seeing their competitiveness eroded. "The Asian tigers, and especially China, are eating Mexico's lunch," says George Grayson, a Mexico scholar at the College of William and Mary. "And unless Mexico undertakes some major structural reforms, China is going to eat its breakfast and dinner also."

Much of Mexico's export growth in the '90s was fueled by its *maquiladora* plants, which specialized in the assembly of manufactured goods—a low-skill, low-cost activity. But China's accession to the WTO undermined Mexico's privileged access to the U.S. market, and offered comparable labor at significantly lower costs. At the same time, Mexico has done little to create a business climate more favorable to investors, or to make its workers more competitive in higher-skill, higher-wage sectors.

Improving the business climate would require, principally, a combination of labor reform and tax reform. A medium-sized company in Mexico paid 31.3 percent of its gross profit to the government in 2005, while its U.S. equivalent parted with only 21.5 percent. Starting a business in Mexico can be a bureaucratic nightmare: The World Bank found that doing so takes, on average, 58 days, compared with five in the U.S. (Mexico is bad even by Latin American standards: Starting a business in Chile takes 27 days; in Argentina, 32.) Mexico also has more rigid regulations on work hours and on the firing of workers than other countries in the region, as well as greater hiring costs. All of this gives pause to potential investors. Luis Pazos, the Mexican economist, believes that a combination of lowering corporate tax rates, reducing Mexico's value-added tax to 10 percent on all goods and services, and introducing greater labor flexibility would result in "many more companies' settling in Mexico to take advantage of NAFTA and the proximity to the U.S. market."

At the same time, Mexico's leaders should recognize that their country's economic future does not lie in low-wage, low-tech manufacturing, at which it will remain at a comparative disadvantage to China and other emerging markets. Yet they have failed to reform Mexico's education system, which graduates only 25 percent of its students from high school. That system is extremely centralized and dominated by a hugely powerful—and hugely corrupt—teachers union. And the lack of local control means that individual communities have little power "to elect schoolboards or determine how funds are spent," says Stephen Johnson, a Heritage Foundation scholar and former State Department analyst. Consequently, students in public schools—particularly those in the poor south—receive inadequate instruction. "What never comes up in the immigration debate," explains Riordan Roett of

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SAIS, "is that if there were a reasonably targeted program to bring social investments into southern Mexico, we'd begin to address the core problem with immigration."

'EVERYBODY KNOWS WHAT NEEDS TO BE DONE'

The solutions, then, aren't especially complicated: End the state monopolies, desocialize agriculture, simplify tax and labor laws, decentralize and improve the education system. "Everybody knows what needs to be done," says Arias-King, the former Fox adviser. "Every economist or World Bank official can tell you." So why does nothing change?

Arias-King thinks the problem lies in Mexico's political culture, which has traditionally been dominated by the oligarchic elite. "We don't have economic problems; our problems are really political in nature," he says. Vicente Fox's victory broke 70 years of dominance by the Institutional Revolutionary Party (PRI), which had been a de facto dictatorship. Fox took office pledging to address Mexico's structural problems, but in the end found it easier to work with the old elite. "In any democratic transition," says Arias-King, "a counter-elite is formed. The counter-elite should not have participated in the previous regime. The more the old people participate [in the new government], the worse the country does. It's an iron law. In Mexico, we thought we had a counter-elite [in Fox and his supporters]. But when they came to power, it was clear they had essentially been prostitutes to the previous elite." He supports this conclusion by noting that Fox appointed PRI stalwarts, some of them suspected of corruption and involvement in criminal activities, to important government posts.

Others make more forgiving assessments, noting that many of Fox's proposals were blocked by the congress. Luis Pazos was a congressman of Fox's party—the National Action Party, or PAN—from 2000 to 2003. "Although many opposition congressmen understood the necessity of [Fox's proposed reforms]," says Pazos, "their political parties ordered them not to support [the reforms]. If the economy had grown, it would have been more difficult to win the next elections against PAN candidates [who would have received credit for the growth]."

Whatever the explanation, Fox has been a disappointment. If the U.S. Congress comes around to passing anything like Bush's guest-worker plan, Fox's lasting contribution will be to have helped institutionalize the forces that militate against reform. This would be no service to his countrymen.

As this article goes to press, the race between Fox's would-be successors is too close to call. But the reasons for optimism are few. The PRI's candidate, Roberto Madrazo, has little chance of winning, and the next president will accordingly be either Felipe Calderón of the PAN or Andrés Manuel López Obrador of the leftist Party of the Democratic Revolution. Calderón has the right ideas—he has promised market reforms similar to those Fox once advocated—but would likely face an intractable congress. López Obrador would be vastly worse. He is a kind of Hugo Chávez Lite: a hard-Left populist who, though lacking the Venezuelan dictator's bellicosity, shares his reflexive dirigisme.

What this probably means is that a great many Mexicans will remain much poorer than is needful for much longer than is excusable. It is right to feel sympathy for them. But precisely this sympathy compels us to say: The fault, dear Mexico, lies not in your stars, but in yourself. **NR**

■ **AT WAR**

America as Jailer

We could be doing a better job, particularly in Iraq

BING WEST

AMERICA lacks a consistent policy regarding battlefield detainees. In Guantanamo Bay, constant outside criticism has sprung relatively few prisoners from captivity. Yet in Iraq, thousands of prisoners are periodically set free in sweeping conciliatory gestures. Condoleezza Rice told a European audience in March that the U.S. has "no desire to be the world's jailer." And indeed, while the administration has not quite given up its firm stance in the War on Terror, it has been years since a new prisoner was sent to Gitmo.

What are we to make of this? In game theory, the "Prisoner's Dilemma" refers to the rational incentives for two accused criminals to implicate each other when offered reduced sentences. The warden uses his cunning to turn the prisoners against each other. In the War on Terror, however, the prisoners are united and it is the warden who is susceptible to manipulation. In confronting terror, we have not reached a consensus on the proper handling of captured terrorists. Our tradition of self-criticism, due process, and respect for human rights has created vulnerabilities for our enemies to exploit. How to develop an approach to enemy detainees that is both confident and consistent? This is our warden's dilemma.

When the Taliban fell in November 2001, our troops captured Afghan soldiers along with terrorists from a dozen other countries. The worst of these, as determined by rapid interrogations, were sent to Gitmo. Many of them could not be convicted in an American courtroom, because they were captured on battlefields without physical evidence or witnesses to a crime. Others were identified by classified means that could not be revealed in court. Regardless, in our nation's post-9/11 mood, pictures of these blindfolded, chained men in orange jumpsuits evoked grim public satisfaction.

By mid-2004, however, instances of prisoner abuse—snarling dogs, the mockery of naked prisoners—provided graphic illustrations to be used by war critics. Civil libertarians, Europeans, and many in the mainstream press used this opportunity to attack an administration whose policies and personalities they already loathed. The public image of terrorist detainees gradually morphed from sinister figures into naïve sad sacks who had been deprived of a fair trial. In obsequious atonement, many lawmak-

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ers and pundits uttered harsh condemnations of our policies. Sen. Dick Durbin even claimed moral equivalence between Americans and Nazis.

As a morally conscious liberal democracy, America became uneasy when criticized for denying trials to foreign combatants captured in civilian clothes. But rather than resolving the amorphous status of captured terrorists, we threw resources at the problem to make life more comfortable for the prisoners. Guantanamo became one of the finest state-of-the-art prisons in the world, far superior to European or American civilian prisons. Every prisoner at Gitmo chooses among 4,200 calories of food selections a day, including specially cooked Muslim dishes. Every inmate in Gitmo is provided with a Koran, and the inmates choose their imams from among themselves. Time is even set aside each week for hate-filled group sermons.

When these measures failed to quell criticisms of our detention policy, the Bush administration gradually began releasing prisoners—some of whom were later killed fighting American troops on faraway battlefields. The original Gitmo population hovered around 800, but it is now down below 500. Thanks to years of questioning and thousands of inquiries with intelligence services around the globe, a record several inches thick has been accumulated on each prisoner. The interrogators are convinced that 85 percent of Gitmo inmates are terrorists who are intent on continuing their jihad even during imprisonment. Killing a guard is their highest goal, followed by suicide—as a political weapon, not an act of despair. Of 44 suicide attempts, only three have succeeded. The rest have been thwarted because guards have intervened, often at the risk of their lives.

In Guantanamo's relatively small population, the huge expenditure of American energy has garnered intelligence dossiers that are deep in detail but narrow in scope. In Iraq, where the U.S. holds 14,000 prisoners, the problem is the opposite: Too many are set free because there are not enough resources to closely analyze each prisoner. In Guantanamo, the focus is on extracting information about terror networks through tedious, uncoerced interrogations. In Iraq, the focus is on distinguishing between al-Qaeda-type extremists and nationalist resisters. This requires skilled interrogators, and there aren't enough of them.

THE REVOLVING DOOR

Iraq's prime minister, Nouri al-Maliki, recently took the risk of releasing 10 percent of the estimated 25,000 prisoners in his country. The intent was to wean "mainstream Sunni resisters" away from the al-Qaeda types by releasing the former and keeping the latter in prison. While courageous and well-intentioned, this reconciliation gesture had a stark downside: After being set free, many insurgents have only had their status enhanced in the eyes of their peers. We don't know the recidivism rate in Iraq, but in the U.S. it is over 60 percent. It is telling that some of our soldiers have begun referring to Abu Ghraib as "Osama U."

The policy of releasing Sunni insurgents has the tragic consequence of attenuating deterrence. What do insurgents have to lose from being arrested for fighting if they know they will soon be released by authorities? By not wearing uniforms, they can take advantage of rights comparable to those afforded to criminal suspects in a liberal democracy.

The data on Iraq's revolving door are revealing. In May, for instance, one American battalion in Ramadi detained 178 suspects—35 percent for possession of explosive devices that kill Americans, 45 percent for illegal weapons or inciting to riot, and 20 percent for outstanding arrest warrants. Every arrest required an enormous amount of hard work under a blistering sun. Each detainee was questioned by an experienced team of interrogators, supervised by a military lawyer who had been an assistant district attorney in the U.S. Within 18 hours, 100 of these arrestees were released with mere warnings. Most had been illegally carrying weapons in their cars.

The remaining 78 were charged with serious offenses. Most refused to answer questions. The arresting American soldiers filed two sworn statements for each arrest, together with photos from the crime scene. The detainees were sent to the brigade level, where 50 were released and 30 were sent to Abu Ghraib Prison to await an Iraqi hearing. Once at Abu Ghraib, still more of these detainees were released by a Combined Review & Release Board, consisting of American and Iraqi officials. The battalion was notified of each release via a convoluted Internet system. To protest any release, American troops had to secure the signature of a colonel.

Of the original 178 arrestees, the 20 prisoners still being held at Abu Ghraib were scheduled to appear individually before an Iraqi judge, in most cases four to six months later. The American soldiers who had made the arrest were required to appear at that trial. In the majority of cases, this has not been possible. Iraqi judges, often intimidated and openly suspicious of written testimony from American soldiers, tend to free the accused. Net result: Over 85 percent of all those detained are released within six months.

Senior American officials believe the battalions are indiscriminate in making arrests. The battalions believe the senior officials are under political pressure to release hard-core killers who know how to lie. Either way, the system is broken: In the U.S., one male in 75 is in jail. In Iraq, it is one in 500. So either Iraqis are seven times more law-abiding than Americans, or the judicial system in Iraq is a mess.

Abu Musab al-Zarqawi's death, while a major achievement, does not affect the motivations of the foot soldiers in the Iraqi insurgency. We have not created jobs for a million angry Sunni youths. Nor have we created an effective deterrent against their working for the insurgency. In Ramadi, for instance, an unemployed youth is paid $40 to emplace a roadside bomb. It is unlikely that he will be caught in the act, and, if he is caught, he knows the odds greatly favor his release. Our soldiers mock the arrest of insurgents as a "catch and release" fishing tournament.

At best, our current operating procedure shows a failure to communicate between our senior and junior military leaders. Either the lawyers and interrogation teams at the battalion level are incompetent, or the senior reviewers have become timorous because of adverse publicity, and are now determined to close all American-run prisons.

At worst, our porous anti-insurgency effort is undercutting

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the larger reconciliation strategy. The lack of a justice system inspires vigilantes and fuels sectarian violence, which is compounded by Shiites with militia ties who are hired as prison guards. Reconciliation is a mockery if there is no punishment for rebellion or murder. Prime Minister Maliki has justified the release of 2,500 prisoners as "a chance for those who want to rethink their strategy." But if these freed prisoners persist with their violent attacks, more Americans and Iraqis will die.

CRIME & PUNISHMENT

So what should be done? First, stand firm on life imprisonment for terrorists. In Guantanamo, the physical evidence justifying detention is weak, but knowledge of the prisoners has led the reviewers to conclude that they remain a danger to society. In Iraq, the physical evidence is much stronger, but knowledge of terrorists' states of mind is usually nonexistent, owing to a lack of interrogators.

In Guantanamo, a three-member military commission annually reviews the record of each detainee, who is provided a lawyer to argue his case for freedom. This year, the commissions recommended that ten prisoners be released and 450 kept behind bars or returned in shackles to their home countries. The Supreme Court will rule shortly on the legitimacy of these military commissions. That ruling will define a means of determining the legitimacy, if not the length, of incarceration during the War on Terror. If the Court approves the commission system, we should institute it in Iraq.

Second, advertise and showcase Guantanamo as the last stop for terrorists. The Pentagon's program of inviting reporters to see for themselves is the correct course. The United States has nothing to hide at Gitmo. The prisoners are well treated and the guards are a credit to their country. The more reporters who visit, the better.

Third, get tough on the killers. Most Americans and civilians in Iraq are killed by improvised explosive devices, yet the administration has refused to say whether it is a war crime for a man in civilian clothes to plant such a device. Stop this shilly-shallying. Declare the emplacement of IEDs to be a war crime. Those caught with IEDs by American soldiers should not be turned over to the broken Iraqi system.

Fourth, repair the disconnect between the U.S. battalions in Iraq making the arrests and the senior officials who keep releasing detainees. The frequency of releases is brewing cynicism, and we must come up with a single system that enables arresting soldiers to be a part of the review-and-release program.

As the warden in the War on Terror, it is time for us to get serious about setting the rules for dealing with terrorists. The president should declare that the inmates at Guantanamo will remain in prison as long as they constitute a danger to society. Anti-Americanism in Europe and the Middle East will not be alleviated by closing Guantanamo. Instead, the harshest critics of America will consider its closure a victory, even if it means terrorists going free to wreak more havoc. Gitmo's reputation strikes fear among terrorists because it symbolizes banishment and oblivion, not martyrdom and fame. Guantanamo should stand as a deterrent to terror—a global reminder of the relationship between crime and punishment. **NR**

■ **ESSAY**

Evolution and Me

'The Darwinian theory has become an all-purpose obstacle to thought rather than an enabler of scientific advance'

GEORGE GILDER

I FIRST became conscious that something was awry in Darwinian science some 40 years ago as I was writing my early critique of sexual liberation, *Sexual Suicide* (revised and republished as *Men and Marriage*). At the time, the publishing world was awash with such titles as Desmond Morris's *The Naked Ape* and *The Human Zoo* and Robert Ardrey's *African Genesis*, which touted or pruriently probed the animality of human beings. Particularly impressive to me was *The Imperial Animal*, a Darwinian scholarly work by two anthropologists aptly named Lionel Tiger and Robin Fox that gave my theory of sex roles a panoply of primatological support, largely based on the behavior of patriarchal hamadryas baboons.

Darwinism seemed to offer me and its other male devotees a long-sought tool—resembling the x-ray glasses lamentably found elsewhere only in cartoons—for stripping away the distracting décor of clothing and the political underwear of ideology worn by feminists and other young women of the day. Using this swashbuckling scheme of fitness and survival, nature "red in tooth and claw," we could reveal our ideological nemeses as naked mammals on the savannah to be ruled and protected by hunting parties of macho males, rather like us.

In actually writing and researching *Sexual Suicide*, however, I was alarmed to discover that both sides could play the game of telling just-so stories. In *The Descent of Woman*, Elaine Morgan showed humans undulating from the tides as amphibious apes mostly led by females. Jane Goodall croodled about the friendliness of "our closest relatives," the chimpanzees, and movement feminists flogged research citing the bonobo and other apes as chiefly matriarchal and frequently homosexual.

These evolutionary sex wars were mostly unresolvable because, at its root, Darwinian theory is tautological. What survives is fit; what is fit survives. While such tautologies ensure the consistency of any arguments based on them, they could contribute little to an analysis of what patterns of behavior and what ideals and aspirations were conducive to a good and productive society. Almost by definition, Darwinism is a materialist theory that banishes aspirations and ideals from the picture. As an all-purpose tool of reductionism that said that whatever survives is,

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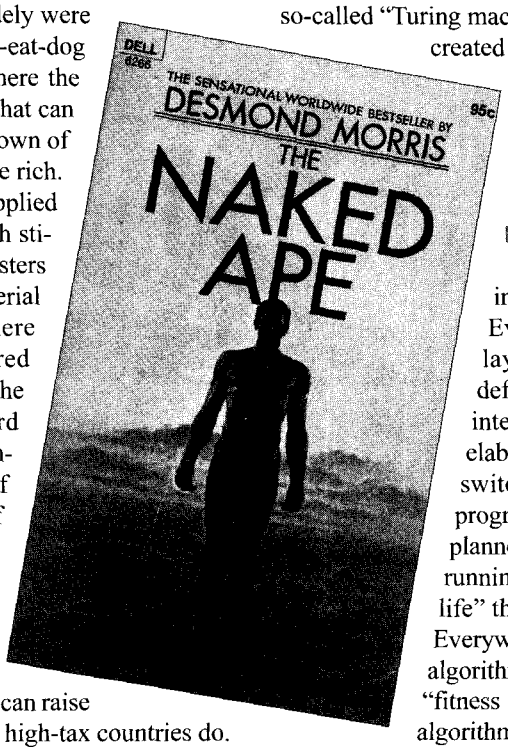
in some way, normative, Darwinism could inspire almost any modern movement, from the eugenic furies of Nazism to the feminist crusades of Margaret Sanger and Planned Parenthood.

So in the end, for better or for worse, my book dealt chiefly with sociological and anthropological arguments and left out Darwin.

Turning to economics in researching my 1981 book *Wealth & Poverty*, I incurred new disappointments in Darwin and materialism. Forget God—economic science largely denies intelligent design or creation even by human beings. Depicting the entrepreneur as a mere opportunity scout, arbitrageur, or assembler of available chemical elements, economic theory left no room for the invention of radically new goods and services, and little room for economic expansion except by material "capital accumulation" or population growth. Accepted widely were Darwinian visions of capitalism as a dog-eat-dog zero-sum struggle impelled by greed, where the winners consume the losers and the best that can be expected for the poor is some trickle down of crumbs from the jaws (or tax tables) of the rich.



In my view, the zero-sum caricature applied much more accurately to socialism, which stifles the creation of new wealth and thus fosters a dog-eat-dog struggle over existing material resources. (For examples, look anywhere in the socialist Third World.) I preferred Michael Novak's vision of capitalism as the "mind-centered system," with the word itself derived from the Latin *caput*, meaning head. Expressing the infinite realm of ideas and information, it is a domain of abundance rather than of scarcity. Flouting zero-sum ideas, supply-side economics sprang from this insight. By tapping the abundance of human creativity, lower tax rates can yield more revenues than higher rates do and low-tax countries can raise their government spending faster than the high-tax countries do. Thus free nations can afford to win wars without first seizing resources from others. Ultimately capitalism can transcend war by creating rather than capturing wealth—a concept entirely alien to the Darwinian model.

After *Wealth & Poverty*, my work focused on the subject of human creativity as epitomized by science and technology and embodied in computers and communications. At the forefront of this field is a discipline called information theory. Largely invented in 1948 by Claude Shannon of MIT, it rigorously explained digital computation and transmission by zero-one, or off-on, codes called "bits." Shannon defined information as *unexpected* bits, or "news," and calculated its passage over a "channel" by elaborate logarithmic rules. That channel could be a wire or another other path across a distance of space, or it could be a transfer of information across a span of time, as in evolution.

Crucial in information theory was the separation of content from conduit—information from the vehicle that transports it. It takes a low-entropy (predictable) carrier to bear high-entropy (unpredictable) messages. A blank sheet of paper is a better vessel for a new message than one already covered with writing. In my book *Telecosm* (2000), I showed that the most predictable available information carriers were the regular waves of the electromagnetic spectrum and prophesied that all digital information would ultimately flow over it in some way. Whether across time (evolution) or across space (communication), information could not be borne by chemical processes alone, because these processes merged or blended the medium and the message, leaving the data illegible at the other end.

While studying computer science, I learned of the concept of a universal computing machine, an idealized computer envisioned by the tormented genius Alan Turing. (After contributing significantly to the Enigma project for decrypting German communications during World War II, Turing committed suicide following shock therapy—"treatment" for his homosexuality.) A so-called "Turing machine" is an idealized computer that can be created using any available material, from beach sand to Buckyballs, from microchips to matchsticks. Turing made clear that the essence of a computer is not its material substance but its architecture of ideas.

IDEAS SUPREME

Based as it is on ideas, a computer is intrinsically an object of intelligent design. Every silicon chip holds as many as 700 layers of implanted chemicals in patterns defined with nanometer precision and then is integrated with scores of other chips by an elaborately patterned architecture of wires and switches all governed by layers of software programming written by human beings. Equally planned and programmed are all the computers running the models of evolution and "artificial life" that are central to neo-Darwinian research. Everywhere on the apparatus and in the "genetic algorithms" appear the scientist's fingerprints: the "fitness functions" and "target sequences." These algorithms prove what they aim to refute: the need for intelligence and teleology (targets) in any creative process.

I came to see that the computer offers an insuperable obstacle to Darwinian materialism. In a computer, as information theory shows, the content is manifestly independent of its material substrate. No possible knowledge of the computer's materials can yield any information whatsoever about the actual content of its computations. In the usual hierarchy of causation, they reflect the software or "source code" used to program the device; and, like the design of the computer itself, the software is contrived by human intelligence.

The failure of purely physical theories to describe or explain information reflects Shannon's concept of entropy and his measure of "news." Information is defined by its *independence* from physical determination: If it is determined, it is predictable and thus by definition not information. Yet Darwinian science seemed to be reducing all nature to material causes.

As I pondered this materialist superstition, it became increasingly clear to me that in all the sciences I studied, information comes first, and regulates the flesh and the world, not the other way around. The pattern seemed to echo some familiar wisdom.

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Could it be, I asked myself one day in astonishment, that the opening of St. John's Gospel, *In the beginning was the Word*, is a central dogma of modern science?

In raising this question I was not affirming a religious stance. At the time it first occurred to me, I was still a mostly secular intellectual. But after some 35 years of writing and study in science and technology, I can now affirm the principle empirically. Salient in virtually every technical field—from quantum theory and molecular biology to computer science and economics—is an increasing concern with the *word*. It passes by many names: logos, logic, bits, bytes, mathematics, software, knowledge, syntax, semantics, code, plan, program, design, algorithm, as well as the ubiquitous "information." In every case, the information is independent of its physical embodiment or carrier.

Biologists commonly blur the information into the slippery synecdoche of DNA, a material molecule, and imply that life is biochemistry rather than information processing. But even here, the deoxyribonucleic acid that bears the word is not itself the word. Like a sheet of paper or a computer memory chip, DNA bears messages but its chemistry is irrelevant to its content. The alphabet's nucleotide "bases" form "words" without help from their bonds with the helical sugar-phosphate backbone that frames them. The genetic words are no more dictated by the chemistry of their frame than the words in Scrabble are determined by the chemistry of their wooden racks or by the force of gravity that holds them.

This reality expresses a key insight of Francis Crick, the Nobel laureate co-author of the discovery of the double-helix structure of DNA. Crick expounded and enshrined what he called the "Central Dogma" of molecular biology. The Central Dogma shows that influence can flow from the arrangement of the nucleotides on the DNA molecule to the arrangement of amino acids in proteins, but not from proteins to DNA. Like a sheet of paper or a series of magnetic points on a computer's hard disk or the electrical domains in a random-access memory—or indeed all the undulations of the electromagnetic spectrum that bear information through air or wires in telecommunications—DNA is a neutral carrier of information, independent of its chemistry and physics. By asserting that the DNA message precedes and regulates the form of the proteins, and that proteins cannot specify a DNA program, Crick's Central Dogma unintentionally recapitulates St. John's assertion of the primacy of the word over the flesh.

By assuming that inheritance is a chemical process, Darwin ran afoul of the Central Dogma. He believed that the process of inheritance "blended" together the chemical inputs of the parents. Seven years after Darwin published *The Origin of Species*, though, Gregor Mendel showed that genes do not blend together like chemicals mixing. As the Central Dogma ordains and information theory dictates, the DNA program is discrete and digital, and its information is transferred through chemical carriers—but it is *not* specified by chemical forces. Each unit of biological information is passed on according to a digital program—a biological code—that is transcribed and translated into amino acids.

THE MEDIUM NOT THE MESSAGE

Throughout the 20th century and on into the 21st, many scientists and politicians have followed Darwin in missing the significance of the "Central Dogma." They have assumed that life is dominated by local chemistry rather than by abstract informative codes. Upholding the inheritability of acquired characteristics, Jean-Baptiste Lamarck, Trofim Lysenko, Aleksandr Oparin, Friedrich Engels, and Josef Stalin all espoused the primacy of proteins and thus of the environment over the genetic endowment. By controlling the existing material of human beings through their environment, the Lamarckians believed that Communism could blend and breed a new Soviet man through chemistry. Dissenters were murdered or exiled. (The grim story is vividly told in Hubert Yockey's definitive 2005 book, *Information Theory, Evolution, and the Origin of Life*.)

For some 45 years, Barry Commoner, the American Marxist biologist, refused to relinquish the Soviet mistake. He repeated it in an article in *Harper's* in 2002, declaring that proteins must have come first because DNA cannot be created without protein-based enzymes. In fact, protein-based enzymes cannot be created without a DNA (or RNA) program; proteins have no structure without the information that defines them. As Yockey explains, "It is mathematically impossible, not just unlikely, for information to be transferred from the protein alphabet to the [DNA] alphabet. That is because no codes exist to transfer information from the 20-letter protein alphabet to the 64-letter [codon] alphabet of [DNA]." Twenty letters simply cannot directly specify the content of patterns of 64 codons.

But the beat goes on. By defrocking Lawrence Summers for implying the possible primacy of the genetic word over environmental conditions in the emergence of scientific aptitudes, the esteemed professoriat at Harvard expressed its continued faith in Lamarckian and Marxian biology.

Over at NASA, U.S. government scientists make an analogous mistake in constantly searching for traces of protein as evidence of life on distant planets. Without a hierarchy of informative programming, proteins are mere matter, impotent to produce life. The Central Dogma dooms the NASA pursuit of proteins on the planets to be what we might call a "wild goo chase." As St. John implies, life is defined by the presence and precedence of the word: informative codes.

I began my 1989 book on microchips, *Microcosm: The Quantum Era in Economics and Technology*, by quoting physicist Max Planck, the discoverer of the quantum, on the resistance to his theory among the scientific establishment—the public scientists of any period whom I have dubbed the Panel of Peers. By any name they define the "consensus" of respectable science. At the beginning of the 20th century, said Planck, they balked at taking the "enormous step from the visible and directly controllable to the invisible sphere, from the macrocosm to the microcosm."

But by entrance into the "microcosm" of the once-invisible world of atoms, all physical science was transformed. When it turned out early in the 20th century that the atom was not a "massy unbreakable particle," as Isaac Newton had imagined, but a complex arena of quantum information, the classical physics of Newton began inexorably to break down. We are now at a similar point in the history of the sciences of life. The counterpoint to the atom in physics is the cell in biology. At the beginning of the 21st century it turns out that the biological cell is not a "simple lump of protoplasm" as long believed but a microcosmic processor of information and synthesizer of proteins at

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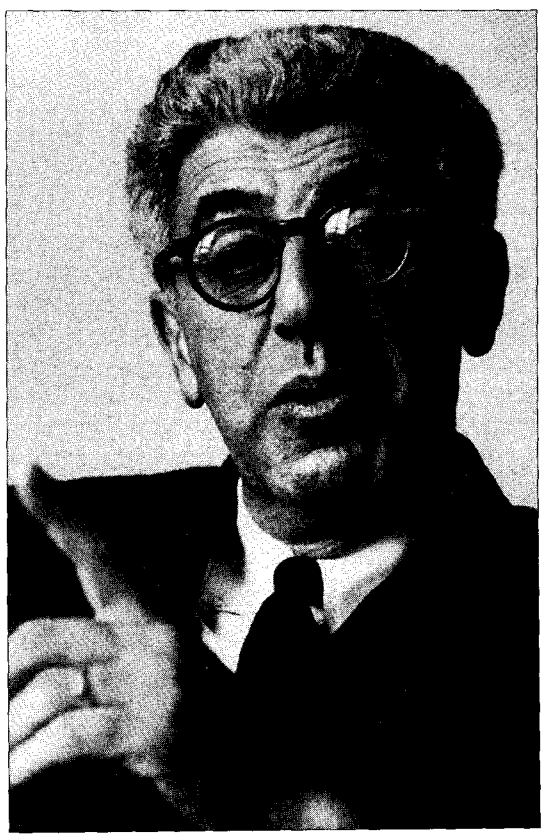
supercomputer speeds. As a result, breaking down as well is the established biology of Darwinian materialism.

No evolutionary theory can succeed without confronting the cell and the word. In each of the some 300 trillion cells in every human body, the words of life churn almost flawlessly through our flesh and nervous system at a speed that utterly dwarfs the data rates of all the world's supercomputers. For example, just to assemble some 500 amino-acid units into each of the trillions of complex hemoglobin molecules that transfer oxygen from the lungs to bodily tissues takes a total of some 250 peta operations per second. (The word "peta" refers to the number ten to the 15th power—so this tiny process requires 250×10^{15} operations.)

Interpreting a DNA program and translating it through a code into a physical molecule, the cells collectively function at almost a thousand times the processing speed of IBM's new Blue Gene/L state-of-the-art supercomputer. This information processing in one human body for just one function exceeds by some 25 percent the total computing power of all the world's 200 million personal computers produced every year.

Yet, confined as they are to informational functions, computer models stop after performing the initial steps of decoding the DNA and doing a digital-to-analog conversion of the information. The models do not begin to accomplish the other feats of the cell, beginning with the synthesis of protein molecules from a code, and then the exquisitely accurate folding of the proteins into the precise shape needed to fit them together in functional systems. This process of protein synthesis and "plectics" cannot even in principle be modeled on a computer. Yet it is essential to the translation of information into life.



Barry Commoner, Marxist biologist

TIME LIFE PICTURES/GETTY

WORRYING THE WORD

Within the Panel of Peers, the emergence of the cell as supercomputer precipitated a mostly unreported wave of consternation. Crick himself ultimately arrived at the theory of "panspermia"—in which he speculated that life was delivered to the earth from other galaxies, thus relegating the problems of creation to a realm beyond our reach. Sensing a crisis in his then exclusively materialist philosophy, neo-Darwinian Richard Dawkins of Oxford coined the word "meme" to incorporate information in biology, describing ideas as undergoing a Darwinian process of survival of the fittest. But in the end Dawkins's memes are mere froth on the surface of a purely chemical tempest, fictive reflections of material reality rather than a governing level of information. The tongue still wags the mind.

These stratagems can be summed up as an effort to subdue the word by shrinking it into a physical function, whimsically reducing it to a contortion of the pharynx reflecting a firing of synapses following a mimetic emanation of matter from a random flux of quanta shaking physical atoms. Like the whirling tigers of the children's fable, the recursive loops of names for the word chase their tails around the tree of life, until there is left at the bottom only a muddled pool of what C. S. Lewis called "nothing buttery."

"Nothing buttery" was Lewis's way of summing up the stance of public scientists who declared that "life" or the brain or the universe is "nothing but" matter in motion. As MIT's Marvin Minsky famously asserted, "The brain is nothing but a 'meat machine.'" In *DNA* (2003), Crick's collaborator James Watson doggedly insisted that the discovery of DNA "proved" that life is nothing but or "merely chemistry and physics." It is a flat-universe epistemology, restricted to what technologists call the "physical layer," which is the lowest of seven layers of abstraction in information technology between silicon chips and silica fiber on the bottom and the programs and content at the top.

After 100 years or so of attempted philosophical leveling, however, it turns out that the universe is stubbornly hierarchical. It is a top-down "nested hierarchy," in which the higher levels command more degrees of freedom than the levels below them, which they use and constrain. Thus, the higher levels can neither eclipse the lower levels nor be reduced to them. Resisted at every step across the range of reductive sciences, this realization is now inexorable. We know now that no accumulation of knowledge about chemistry and physics will yield the slightest insight into the origins of life or the processes of computation or the sources of consciousness or the nature of intelligence or the causes of economic growth. As the famed chemist Michael Polanyi pointed out in 1961, all these fields depend on chemical and physical processes, but are not defined by them. Operating farther up the hierarchy, biological macrosystems such as brains, minds, human beings, businesses, societies, and economies consist of intelligent agents that harness chemical and physical laws to higher purposes but are not reducible to lower entities or explicable by them.

Materialism generally and Darwinian reductionism, specifically, comprise thoughts that deny thought, and contradict themselves. As British biologist J. B. S. Haldane wrote in 1927, "If my mental processes are determined wholly by the motions of atoms in my brain, I have no reason to suppose my beliefs are true . . . and hence I have no reason for supposing my brain to be composed of atoms." Nobel-laureate biologist Max Delbrück (who was trained as a physicist) described the contradiction in an amusing epigram when he said that the neuroscientist's effort to

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explain the brain as mere meat or matter "reminds me of nothing so much as Baron Munchausen's attempt to extract himself from a swamp by pulling on his own hair."

Analogous to such canonical self-denying sayings as *The Cretan says all Cretans are liars*, the paradox of the self-denying mind tends to stultify every field of knowledge and art that it touches and threatens to diminish this golden age of technology into a dark age of scientistic reductionism and, following in its trail, artistic and philosophical nihilism.

All right, have a tantrum. Hurl the magazine aside. Say that I am some insidious charlatan of "creation-lite," or, God forfend, "intelligent design." "In the beginning was the Word" is from a mystical passage in a verboten book, the Bible, which is not a scientific text. On your side in rebuffing such arguments is John E. Jones III of central Pennsylvania, the gullible federal judge who earlier this year made an obsequious play to the Panel of Peers with an attempted refutation of what has been termed "intelligent design."

But intelligent design is merely a way of asserting a hierarchical cosmos. The writings of the leading exponents of the concept, such as the formidably learned Stephen Meyer and William Dembski (both of the Discovery Institute), steer clear of any assumption that the intelligence manifestly present in the universe is necessarily supernatural. The intelligence of human beings offers an "existence proof" of the possibility of intelligence and creativity fully within nature. The idea that there is no other intelligence in the universe in any other form is certainly less plausible than the idea that intelligence is part of the natural world and arises in many different ways. MIT physicist and quantum-computing pioneer Seth Lloyd has just published a scintillating book called *Programming the Universe* that sees intelligence everywhere emerging from quantum processes themselves—the universe as a quantum computer. Lloyd would vehemently shun any notion of intelligent design, but he posits the universe as pullulating with computed functions. It is not unfair to describe this ubiquitous intelligence as something of a Godlike force pervading the cosmos. God becomes *psi*, the "quantum wave function" of the universe.

All explorers on the frontiers of nature ultimately must confront the futility of banishing faith from science. From physics and neural science to psychology and sociology, from mathematics to economics, every scientific belief combines faith and facts in an inextricable weave. Climbing the epistemic hierarchy, all pursuers of truth necessarily reach a point where they cannot prove their most crucial assumptions.

IRREDUCIBLE

The hierarchical hypothesis itself, however, *can* be proven. Kurt Gödel, perhaps the preeminent mathematician of the 20th century and Einstein's close colleague, accomplished the proof in 1931. He demonstrated in essence that every logical system, including mathematics, is dependent on premises that it cannot prove and that cannot be demonstrated within the system itself, or be reduced to it. Refuting the confident claims of Bertrand Russell, Alfred North Whitehead, and David Hilbert that it would be possible to subdue all mathematics to a mechanical unfolding of the rules of symbolic logic, Gödel's proof was a climactic moment in modern thought.

This saga of mathematical discovery has been beautifully expounded in a series of magisterial books and articles by David Berlinski, notably his intellectual autobiography *Black Mischief* (1986), *The Advent of the Algorithm* (2000), and *Infinite Ascent: A Short History of Mathematics* (2005). After contemplating the aporias of number theory in *Black Mischief*, he concluded, "It is the noble assumption of our own scientific culture that sooner or later everything might be explained: AIDS and the problems of astrophysics, the life cycle of the snail and the origins of the universe, the coming to be and the passing away. . . . Yet it is possible, too, that vast sections of our experience might be so very rich in information that they stay forever outside the scope of theory and remain simply what they are: unique, ineffable, insubsumable, irreducible." And the irreducibility of mathematical axioms translates directly into a similar irreducibility of physics. As Caltech physicist and engineer Carver Mead, a guiding force in three generations of Silicon Valley technology, put it: "The simplest model of the galaxy is the galaxy."

The irreducibility takes many forms and generates much confusion. Michael Behe, author of the classic *Darwin's Black Box* (1996), shows that myriad phenomena in biology, such as the bacterial flagellum and the blood-clotting cascade, are "irreducibly complex" in the sense that they do not function unless all their components are present. It's an all-or-nothing system incompatible with an evolutionary theory of slow, step-by-step incremental change. Behe's claim of "irreducible complexity" is manifestly true, but it thrusts the debate into a morass of empirical biology, searching for transitional forms in the same way that paleontologists search for transitional fossils. Nothing definitive is found, but there are always enough molecules of smoke, or intriguing lumps of petrified stool or suggestive shards of bones or capsules of interesting gas, to persuade the gullible judge or professor that somewhere there was a flock of flying dragons or a whirling cellular rotaxane that fit the bill.

Mathematician Gregory Chaitin, however, has shown that biology is irreducibly complex in a more fundamental way: Physical and chemical laws contain hugely less information than biological phenomena. Chaitin's algorithmic information theory demonstrates not that particular biological devices are irreducibly complex but that all biology as a field is irreducibly complex. It is above physics and chemistry on the epistemological ladder and cannot be subsumed under chemical and physical rules. It harnesses chemistry and physics to its own purposes. As chemist Arthur Robinson, for 15 years a Linus Pauling collaborator, puts it: "Using physics and chemistry to model biology is like using lego blocks to model the World Trade Center." The instrument is simply too crude.

Science gained its authority from the successes of technology. When Daniel Dennett of Tufts wants to offer unanswerable proof of the supremacy of science, he writes, "I have yet to meet a postmodern science critic who is afraid to fly in an airplane because he doesn't trust the calculations of the thousands of aeronautical engineers and physicists that have demonstrated and exploited the principles of flight." Dennett is right: Real science is practical and demonstrable, following the inspiration of Michael Faraday, Heinrich Hertz, Thomas Edison, William Shockley, Robert Noyce, Charles Townes, and Charles Kao—the people

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who built the machines of the modern age. If you can build something, you can understand it.

The Panel of Peers, however, is drifting away from these technological foundations, where you have to demonstrate what you invent—and now seeks to usurp the role of philosophers and theologians. When Oxford physicist David Deutsch, or *Scientific American* in a cover story, asserts the reality of infinite multiple parallel universes, it is a trespass far beyond the bounds of science into the realm of wildly speculative philosophy. The effort to explain the miracles of our incumbent universe by postulating an infinite array of other universes is perhaps the silliest stratagem in the history of science.

Darwin's critics are sometimes accused of confusing methodological materialism with philosophical materialism, but this is in fact a characteristic error of Darwin's advocates. Multiverse theory itself is based on a methodological device invented by Richard Feynman, one that "reifies" math and sees it as a physical reality. (It's an instance of what Whitehead called "the fallacy of misplaced concreteness.") Feynman proposed the mapping of electron paths by assuming the electron took all possible routes, and then calculating the interference patterns that result among their wave functions. This method was a great success.

In the 21st century, the word—by any name—is primary. Just as in Crick's Central Dogma ordaining the precedence of DNA over proteins, however, the word itself is not the summit of the hierarchy. Everywhere we encounter information, it does not bubble up from a random flux or prebiotic soup. It comes from mind. Taking the hierarchy beyond the word, the central dogma of intelligent design ordains that word is subordinate to mind. Mind can generate and lend meaning to words, but words in themselves cannot generate mind or intelligence.

Retorts the molecular biologist: Surely the information in DNA generates mind all the time, when it gives the instructions to map the amino acids into the cells of the brain? Here, however, intercedes the central dogma of the theory of intelligent design, which bars all "magical" proteins that morph into data, all "uppity" atoms transfigured as bits, all "miracles" of upstream influence. DNA can inform the creation of a brain, but a brain as an aggregation of proteins cannot generate the information in DNA. *Wherever there is information, there is a preceding intelligence.*

At the dawn of information theory in 1948, MIT cybernetician and Shannon rival Norbert Weiner defined the new crisis of materialism: "The mechanical brain does not secrete thought 'as the liver does bile,' as the earlier materialists claimed, nor does it put it out in the form of energy as the muscle puts out its activity. Information is information, not matter or energy. No materialism that does not admit this can survive at the present day."

The universe of knowledge does not close down to a molecular point. It opens up infinitely in all directions.

But despite some dabbling as a youth in many-worlds theory, Feynman in his prime was too shrewd to suggest that the electron actually *took* all the possible paths, let alone to accept the theory that these paths compounded into entire separate universes.

Under the pressure of nothing buttery, though, scientists attempt to explain the exquisite hierarchies of life and knowledge through the flat workings of physics and chemistry alone. Information theory says this isn't possible if there's just one universe, and an earth that existed for only 400 million years before the emergence of cells. But if there are infinite numbers of universes all randomly tossing the dice, absolutely anything is possible. The Peers perform a prestidigitory shuffle of the cosmoses and place themselves, by the "anthropic principle," in a privileged universe where life prevails on Darwinian terms. The Peers save the random mutations of nothing buttery by rendering all science arbitrary and stochastic.

Science still falls far short of developing satisfactory explanations of many crucial phenomena, such as human consciousness, the Big Bang, the superluminal quantum entanglement of photons across huge distances, even the bioenergetics of the brain of a fly in eluding the swatter. The more we learn about the universe the more wide-open the horizons of mystery. The pretense that Darwinian evolution is a complete theory of life is a huge distraction from the limits and language, the rigor and grandeur, of real scientific discovery. Observes Nobel-laureate physicist Robert Laughlin of Stanford: "The Darwinian theory has become an all-purpose obstacle to thought rather than an enabler of scientific advance."

This constraint on the Munchausen men of the materialist superstition is a hard truth, but it is a truth nonetheless. The hierarchies of life do not stop at the word, or at the brain. The universe of knowledge does not close down to a molecular point. It opens up infinitely in all directions. Superior even to the word are the mind and the meaning, the will and the way. Intelligent people bow their heads before this higher power, which still remains inexorably beyond the reach of science.

Throughout the history of human thought, it has been convenient and inspirational to designate the summit of the hierarchy as God. While it is not necessary for science to use this term, it is important for scientists to grasp the hierarchical reality it signifies. Transcending its materialist trap, science must look up from the ever dimmer reaches of its Darwinian pit and cast its imagination toward the word and its sources: idea and meaning, mind and mystery, the will and the way. It must eschew reductionism—except as a methodological tool—and adopt an aspirational imagination. Though this new aim may seem blinding at first, it is ultimately redemptive because it is the only way that science can ever hope to solve the grand challenge problems before it, such as gravity, entanglement, quantum computing, time, space, mass, and mind. Accepting hierarchy, the explorer embarks on an adventure that leads to an ever deeper understanding of life and consciousness, cosmos and creation. **NR**

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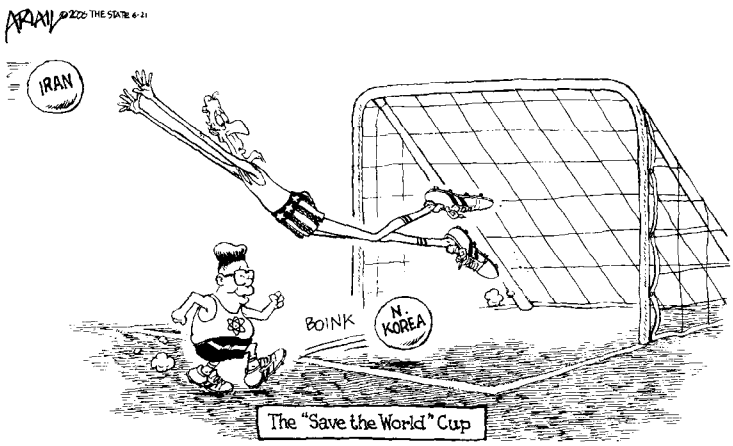
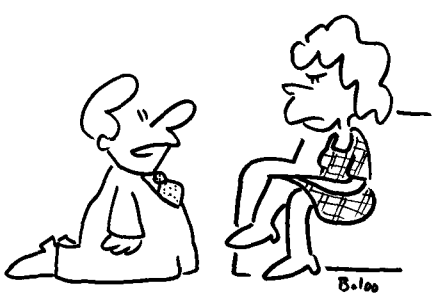
HELP !!!!

Rove Roars Back

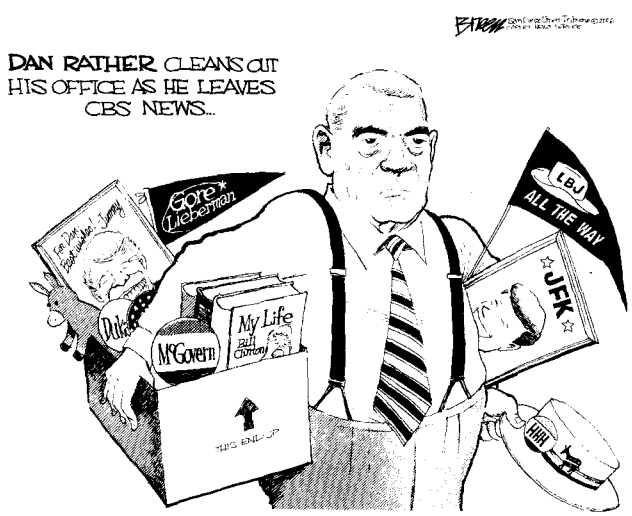
Clyde Beatty always said technique
Is what keeps circus lions meek;
And last week, sprung from limbo, Karl,
Whip snapping, countered every snarl
(Hillary's still the meanest cat)
Emitted by a Democrat.
Incredibly, Karl cowed the pack,
By then on stools, touting Iraq.

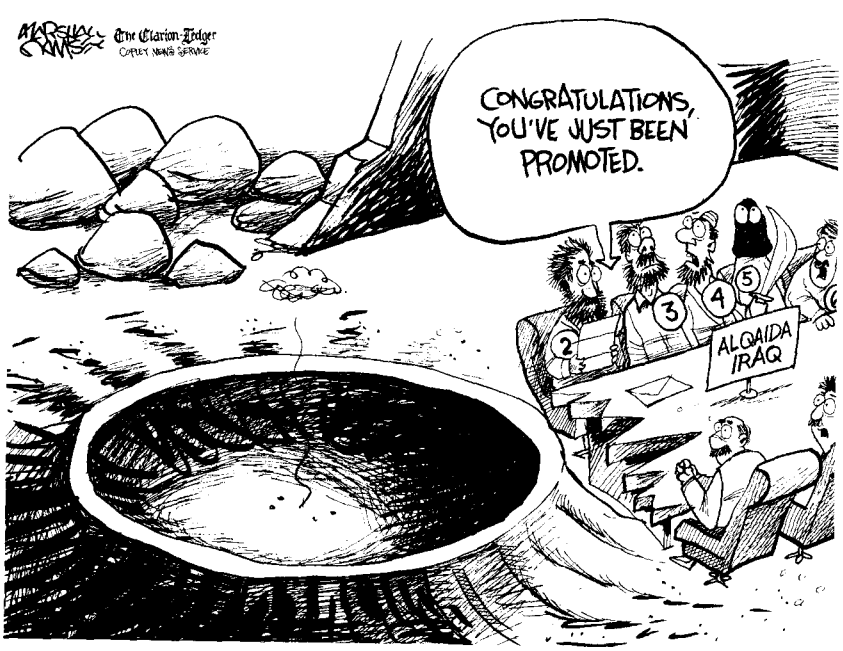
—W. H. von Dreele





"Okay, what if I was the last man in the universe?"





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the long view

ROB LONG

NSA Surveillance Transcript

TOP SECRET

Begin extract: 06.26.06 17:43 GMT

(Static)
(Ringing)
UNIDENTIFIED MALE VOICE: "Hello?"
UNIDENTIFIED FEMALE VOICE: "Hi! I'm calling from the Home Delivery Customer Care Center of the *New York Times*. How are you doing today?"
MALE VOICE: "I am doing fine. Thank you. How are you doing?"
FEMALE VOICE: "I'm doing great! Thanks for asking! This is a courtesy call we're making to all of our home-delivery subscribers in your area to make sure we're doing all we can to deliver to you and your family the mix of news, information, features, and entertainment that fits your lifestyle! Do you have a minute to answer a few questions?"
MALE VOICE: "Well . . . it's awfully busy right now. Is there a way to—"
FEMALE VOICE: "Of course we realize that you are a busy professional, and that's why we're offering all respondents an additional five-week extension on their home-delivery service at absolutely no charge! Now, our records show that you currently reside in some sort of cave in the murky border area between Afghanistan and Pakistan. Is that correct?"
MALE VOICE: "Wow. Yeah, I do. How did you know that?"
FEMALE VOICE: "Our Home Delivery Customer Care Center has an elaborate computer system that—"
MALE VOICE: "You know, I think I'd better hang up now."
FEMALE VOICE: "Sir, we at the *New York Times* Home Delivery Customer Care Center know how important your privacy is, and that's why we always safeguard your data and personal preferences. Now, according to our records there are 17 unmarried males in your domicile. Is that correct?"
MALE VOICE: "Well, there are only 15—we lost a couple yesterday. Um, I really have to hang up now."
FEMALE VOICE: "Sir, we do realize that you are a busy professional, and we're offering all respondents, in addition to the free five-week extension on their home delivery, a one-year subscription to our premium TimesSelect online service, part of our expanding offerings of web-only content and information."
MALE VOICE: "TimesSelect? Really? Well, okay, I guess I have a few minutes . . ."
FEMALE VOICE: "Terrific! Thanks! Now if you don't mind responding to the following three statements on a scale of one to five—one for 'completely disagree,' two for 'somewhat disagree,' three for 'no opinion,' four for 'somewhat agree,' and five for 'completely agree.' Statement One: The *New York Times* helps me respond to a changing global marketplace."

MALE VOICE: "I'll say! You know, we here in the cave . . . well, you know, cave-slash-office . . . anyway, when we read about the U.S. government's use of the international SWIFT program to track down terrorist-related financial transactions, we went and redid all of our procedures. We're a strictly cash-only operation these days, thanks to the *New York Times*."
FEMALE VOICE: "Sir, I really need a number."
MALE VOICE: "Oh, right. Sorry. Um . . . one. Wait. No. Five is the 'completely agree' one, right? So, five. Five. Five plus."
FEMALE VOICE: "Thank you. Next statement: The *New York Times* gives me the business news and information I need to stay competitive."
MALE VOICE: "Five. Totally. Like, we didn't know anything about the cellphone wiretaps they were doing on us until we read it in the *Times*. Then when we did—bam!—we switched communications procedures. I mean, yeah, we know they'll eventually figure out how we're communicating with our operatives in the U.S., but when they do we know the *New York Times* will let us know!"
FEMALE VOICE: "Finally, sir, could you respond to this statement: If I miss reading the *New York Times*, I feel like I'm not up on current events and trends."
MALE VOICE: "Um . . . I'll say that's a three, really. We're not really big on 'trends' out here, per se. We're kind of, I guess you'd call us traditionalists. So no, definitely not trying to surf the trend thing—if you get me. I mean, we're definitely not down with the whole Sunday Style section with the gay marriages. Yeah, so three."
FEMALE VOICE: "Okay, sir."
(Unidentified Male Voices making unidentifiable sounds in background)
MALE VOICE: "Wait a second, can you hold on?"
FEMALE VOICE: "Certainly, sir."
(Unidentified Male Voices making unidentifiable sounds in background)
MALE VOICE: "It's the *New York Times*!"
(Unidentified Male Voices making unidentifiable sounds in background)
MALE VOICE: "No, I'm totally serious!"
(Unidentified Male Voices making unidentifiable sounds in background)
MALE VOICE: "Some market-research thing."
(Unidentified Male Voices making unidentifiable sounds in background)
MALE VOICE: "Um . . . my friends here want to know if this is going to the, like, president or chief editor or whatever of the *New York Times*?"
FEMALE VOICE: "Well, it certainly is going to be reviewed quite closely by the Customer Care professionals in the Home Delivery department."
MALE VOICE: "Well, is there any way we could get him a message? Could you tell him that the guys from al-Qae—wait . . . just say, 'The guys in AQ say waddup.' Okay?"
FEMALE VOICE: "'The guys in AQ say waddup'?"
MALE VOICE: "That's it."
FEMALE VOICE: "I'll do my best, sir. Thank you for your time and for subscribing to the *New York Times*."
MALE VOICE: "Are you kidding? Thank *you*! The *Times* is like . . . the bible of my business."
(Unidentified Male Voices making unidentifiable sounds in background)
MALE VOICE: "Guys, it's a figure of speech. People use the term 'bible' in the sense of indispensable or necessary or—hey, are you still there? I'm sorry, I've really got to go. Guys, c'mon!"
FEMALE VOICE: "Thank you, sir."

End Extract: 06.26.06 17:54 GMT

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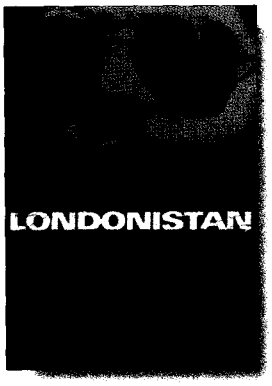
A Bullied Bulldog



Londonistan,
by Melanie Phillips
(Encounter, 200 pp., $25.95)

DAVID PRYCE-JONES

LONDON is an international center of Islamist jihad and terror. Groups rigorously controlled or banned outright in Muslim countries—for instance the Muslim Brotherhood, Hamas, al-Qaeda, and Hizb ut-Tahrir—operate there with impunity, raising funds, putting out expensive publications, recruiting and training in bases of their own, and even mounting demonstrations threatening large-scale assaults against the British people. British-born Muslims have turned into human bombs or committed other atrocities in a dozen countries, and in July 2005 in London itself, killing over 50 people and injuring hundreds more. Feebleness in the face of this gathering onslaught has endangered national identity, and is further undermining the will of other democracies to defend themselves. Jocular as it may sound, the term Londonistan describes an alarming reality.

How could things have come to such a pass in the country once proud to be known as the Mother of the Free, and whose abiding symbol is the bulldog? The question has huge implications for the future, and Melanie Phillips examines it from all angles in clear and uncompromising prose, complete with documentation. A well-known columnist in London, she is distinguished from the usual run of media personalities by still being capable of separating right from wrong. Conditioned by this moral outlook, her *Londonistan* is a frontal attack on the liberal pieties steadily destroying the nation. To her, the national culture has been taken ill, and the result is that "the British are not as they once were."

To a certain extent, this illness derives from the spirit of the times, which holds that there is no such thing as truth; that all morality is therefore relative, and judgmentalism is the last surviving sin. Bemused by such nonsense, but also believers in pragmatism and rationality, the British in Phillips's view have been unable to treat seriously an ideology as pre-modern and irrational as political Islam, leaving themselves exposed to a movement whose scope and appeal they cannot properly understand. There is a "conceptual failure" to link ideology and terror. Terror-masters and preachers have been permitted to do their worst on the grounds that such chaps can't really mean what they are saying and doing. So frivolous are the authorities that Islamists have come to believe that they are protected by some sort of covenant, explicitly left alone by the police on the futile assumption that they will not disturb the peace.

Islamists have been quick to retard the assimilation of fellow Muslims by playing on grievances.

Undoubtedly the shrewdest move of the Islamists has been to hide behind the 2 million or so Muslims now in Britain, whom they imagine to be the future mass-fodder for the cause of jihad. Melanie Phillips insists that the majority of British Muslims are "moderates," though she qualifies this by pointing out that there is no satisfactory definition of moderation in this context. Islamists have been quick to retard the assimilation of fellow Muslims by playing on grievances, whether real or trumped up (as in the case of Salman Rushdie's novel, alleged to be disrespectful of Islam). So Muslims who in every respect are beneficiaries of the British welfare state are led to see themselves as separate, easily taking the next step of subscribing to a culture of victimhood. More than falsehood, this is nothing less than a reversal of reality. For some Muslims, the presupposition of victimization nonetheless propels and justifies aggression.

For their part, the British have helped to foster malign self-perceptions in Muslims, and Phillips deftly and courageously elucidates the mistaken attitudes and policies of the British political and intellectual elite these past 30 or 40 years. She speaks of "a spiral of decadence, self-loathing, and sentimentality" that is incapable of seeing that it is setting itself up for "cultural immolation."

Decadence lies in the refusal to analyze what it is in Islam and its culture that makes Muslims vulnerable to extremism and participation in terror. She quotes a very senior policeman in the aftermath of the July 2005 bombings making the absurdly blind assertion, "As far as I am concerned, Islam and terrorists are two words that do not go together." What motivates all like him who go to such lengths to avoid reality is fear of being thought racist, more specifically Islamophobic. In sober fact, virtually everyone uncritically accepts Islam as one faith among others, and the accusation of Islamophobia is only more evidence of cultural suicide. More than once, Phillips makes the point that Muslims whose aggressions, bad manners, or demands for privilege are firmly countered have learned the trick of converting themselves from aggressors into victims merely by raising the specter of Islamophobia.

The British have tried to accommodate their Muslim immigrants by evolving the doctrine of multiculturalism. This may look like tolerance, in that it puts the onus on Muslims to define themselves according to their faith, languages, and customs. In practice, however, it encloses them in their exclusivity, and further invites the

Mr. Pryce-Jones is an NR senior editor whose latest book, *Betrayal: The French, the Arabs, and the Jews*, will be published by Encounter in the fall.

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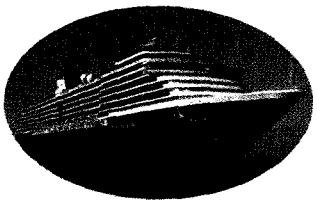

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MON/Nov. 13	Cabo San Lucas (Mexico)	8:00 AM	6:00 PM	late-night smoker
TUES/Nov. 14	Mazatlan	8:00 AM	6:00 PM	
WED/Nov. 15	Puerto Vallarta	8:00 AM	11:00 PM	evening cocktail reception
THURS/Nov. 16	AT SEA			morning/afternoon seminars late-night smoker
FRI/Nov. 17	AT SEA			morning/afternoon seminars evening cocktail reception
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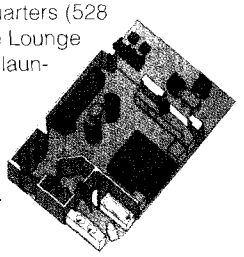

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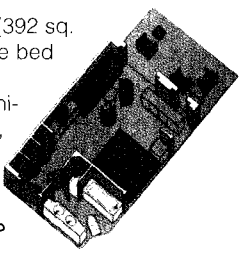

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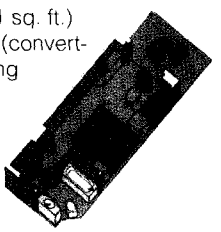
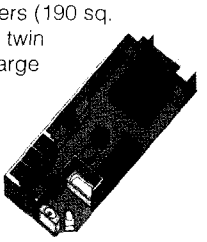
DOUBLE OCCUPANCY RATE: $ 3,299 P/P
SINGLE OCCUPANCY RATE: $ 5,999

DELUXE OUTSIDE Spacious cabin (241 sq. ft.) features private verandah, queen-size bed (convertible to 2 twin beds), bath with shower, sitting area, mini-bar, tv, refrigerator, and floor-to-ceiling windows.



Category VA
DOUBLE OCCUPANCY RATE: $ 2,899 P/P
SINGLE OCCUPANCY RATE: $ 4,499

LARGE OCEAN VIEW Comfortable quarters (190 sq. ft.) features queen-size bed (convertible to 2 twin beds), bathtub with shower, sitting area, tv, large ocean-view windows.



Category D
DOUBLE OCCUPANCY RATE: $ 2,399 P/P
SINGLE OCCUPANCY RATE: $ 3,299

LARGE INSIDE Cozy but ample cabin quarters (185 sq. ft.) features queen-size bed (convertible to 2 twin beds), bathtub with shower, sitting area, tv.

Category K
DOUBLE OCCUPANCY RATE: $ 1,799 P/P
SINGLE OCCUPANCY RATE: $ 2,499

cruise, which takes place on one of the best ships afloat. The *Oosterdam* (still shining and gleaming from her recent inaugural) is beautiful, with sumptuous accommodations, antique-filled public spaces, an indulgent and courteous staff, superior cuisine, and top-notch entertainment and excursions. It's the perfect vessel to take us to:

CABO SAN LUCAS Where the Pacific Ocean and the Sea of Cortes meet at Land's End, "Cabo" sits on the tip of the Baja Peninsula. Sun and sand are big here, but the fish are even bigger. Marlin, sailfish, tuna, and billfish all abound in these rich waters.

MAZATLAN is the home of Mexico's largest shrimp fleet and numerous beachside restaurants specializing in this tasty creature. Explore the colonial villages of the Sierra Madres and hold your breath as you watch the Papantla Flyers work their acrobatic magic.

PUERTO VALLARTA The quintessential resort, "PV" is the darling of the Riviera. Stroll cobblestone streets lined with chic boutiques and galleries. Explore the bustling City Market, or while away the afternoon on a white-sand beach.

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The National Review 2006 Post-Election Cruise Application

Mail to: National Review Cruise, The Cruise Authority, 1307 Powers Ferry Rd., Marietta, GA 30067-5409 or Fax to 770-916-1425

Please fill out application completely and mail with deposit check or fax with credit-card information. One application per cabin. If you want more than one cabin, make copies of this application. For questions call The Cruise Authority at 800-707-1634.

Personal

Name #1 (full legal name) + Nickname ____ Date of Birth ____ Size: S-XXL

Name #2 (full legal name) + Nickname ____ Date of Birth ____ Size: S-XXL

Names #3 & #4 (if taking others in your cabin) ____ Date of Birth ____ Size: S-XXL

Street Mailing Address

City ( ) State ZIP

Daytime Phone Email Address

Special Information (medical conditions, celebrating anniversary, etc.)

Payment

A deposit of $400 **per person** is due with this application. If paid by credit card, the balance will be charged to the *same* card on 8/11/06 unless otherwise directed. If application is received after 8/11/06, the full amount of the cruise will be charged. Cabins and categories are available on a first come, first served basis. *Suites are limited!*

☐ My deposit of $400 **per person** is included.
(Make checks payable to "National Review Cruise")

☐ Charge to: AmEx ☐ Visa ☐ MasterCard ☐ Discover

☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

Expiration Date (Month) ☐☐ (Year) ☐☐

Authorized Signature of Cardholder/Guest

Information and price quote on Cancellation Fee Waiver/Medical Insurance will accompany your statement. Cancellation Penalty Schedule follows (cancellations must be received in writing by the date indicated):

PRIOR *to June 12, 2006*	*$75 per person*
June 12, 2006 to August 11, 2006	*$400 per person*
AFTER *August 11, 2006*	*100% of cruise/package*

Cruise

(All rates are per person, double occupancy, and include all port charges and taxes, all gratuities, meals, entertainment, and *National Review* activities. Cruise-only rates include all of above except airfare and transfers. Failure to appear for embarkation for any reason constitutes a cancellation subject to full penalties. Personal items not included.)

PLEASE CHECK ALL APPLICABLE BOXES!

I. CABIN CATEGORY *(see list and prices on previous page)*

First cabin category choice:_____ Second cabin category choice:_____

Bedding: Beds made up as ☐ Twin ☐ King/Queen

BOOKING SINGLE? ☐ Please try to match me with a roommate. (My age: ____)

II. AIR/TRANSFER PACKAGES

☐ We will provide our own roundtrip air and transfers to and from San Diego.
☐ Include air with our package from _____ (see list below).
☐ We need to purchase transfers from the airport to the ship at $32 per person.

III. GENERAL INFORMATION

CITIZENSHIP: Is everyone a U.S. citizen? ☐ Yes ☐ No
If No, indicate citizenship: _____
DINING w/ FRIENDS/FAMILY: I wish to dine with _____
☐ Every Night ☐ 3-4 times ☐ Once

IV. PRE- AND POST-CRUISE TOUR PACKAGES

☐ Please send me information on pre-/post-cruise packages in San Diego.

Important!

Everyone cruising will be required to bring either a valid passport OR a certified birth certificate (with raised seal!), plus photo ID. Failure to do so may result in being denied boarding of the *Oosterdam*. Children do not require photo ID.

Responsibility: *Notice is hereby given* that the cruise advertised herein, including all tickets, vouchers and coupons issued and all arrangements for transportation or conveyance or for hotel or lodging or for sightseeing services are made by H20 Ltd. d/b/a The Cruise Authority (TCA) on behalf of *National Review*, as agency for Holland America Line (HAL), and/or service providers and/or suppliers providing services necessary for operation of the tour upon the express condition that TCA shall not be liable for injury, damage, loss, accident, delay or irregularity to any tour participant or his or her property that may result from any act or omission of any company, contractor or employee thereof providing services in connection with the tour, including but not limited to transportation, lodging, food and beverage, entertainment, sightseeing, luggage handling and tour guiding. Furthermore, TCA cannot be held responsible for delays or costs incurred resulting from weather and road connections, breakdowns, strikes, riots, acts of God, acts of terrorism, authority of law or other circumstances beyond its control. In the event that a participant be entitled to a refund of monies paid, TCA will not be liable in excess of amount paid. TCA reserves the right to decline any persons as a tour participant at any time. TCA is not responsible for price increases imposed by HAL and/or service providers. Such increases may be implemented prior to deposit received. TCA is not responsible for breach of contract or any intentional or careless actions or omissions on the part of HAL and/or service providers, such as suppliers of tours or other services used or obtained on or at the time of the cruise or shore excursions, which result in any loss, damage, delay or injury to you or your travel companions or group members. TCA does not guarantee any of such suppliers rates, booking or reservations and TCA shall not be responsible for any social or labor unrest, mechanical or construction difficulties, acts of terrorism, diseases, local laws, climate conditions, abnormal conditions, or developments or any other actions, omissions or conditions outside of TCA's control. TCA, nor *National Review* shall be responsible for the accessibility, appearance, actions or decisions of those individuals promoted for this cruise. By embarking upon his or her travel, the traveler voluntarily assumes all risks, and is advised to obtain appropriate insurance coverage against them. Retention of tickets, reservations, or package after issuance shall constitute a consent to the above and an agreement on your part to convey the contents hereof to your travel companions.

AIR TRAVEL: You can simplify your air-travel arrangements by taking advantage of **Holland America's "Fly Cruise" Program**. The following per-person, economy-class prices for travel to and from the listed home city air gateways include transfers to and from the *Oosterdam* in San Diego, CA. First-Class air is available upon request. You cannot utilize frequent flyer points to upgrade these airfares to First Class.

AL	Birmingham	$614	FL	Orlando	$554	MI	Detroit	$564	NC	Greensboro	$604
	Mobile	$554		Pensacola	$674		Grand Rapids	$474		Raleigh/Durham	$614
AR	Little Rock	$594		Tampa	$554	MN	Mnpls/St. Paul	$534	OK	*Oklahoma City*	$494
AZ	Phoenix	$374	GA	Atlanta	$564	MO	Kansas City	$514		Tulsa	$374
	Tucson	$274	HI	Honolulu	$734		Springfield	$454	OH	Akron/Canton	$534
CA	Fresno	$264	ID	Boise	$424		St. Louis	$494		Cincinnati	$534
	Los Angeles	$254	IL	Chicago	$504	MT	Billings	$534		Cleveland	$444
	Oakland	$274		Peoria	$514	NE	Omaha	$534		Columbus	$474
	Sacramento	$324	IN	Ft. Wayne	$614	NV	Las Vegas	$264		Dayton	$614
	San Francisco	$284		Indianapolis	$444		Reno	$274	OR	Portland	$404
	San Jose	$284	IA	Cedar Rapids	$534	NJ	Newark	$504		Medford	$424
CO	*Col. Springs*	$474		Des Moines	$554	NM	Albuquerque	$584	PA	Allentown	$524
	Denver	$544	KS	Wichita	$484	NY	Albany	$584		Harrisburg	$504
CT	*Hartford*	$604	KY	Lexington	$534		Buffalo	$574		Philadelphia	$514
DC	Washington - DCA	$664		Louisville	$534		New York - JFK	$544		Pittsburgh	$524
	Washington - IAD	$614	LA	New Orleans	$614		New York - LGA	$514	RI	Providence	$584
FL	Ft. Lauderdale	$514	ME	Portland	$684		Rochester	$584	SC	Charleston	$624
	Jacksonville	$584	MD	Baltimore	$534		Syracuse	$654		Columbia	$654
	Miami	$594	MA	Boston	$564	NC	Charlotte	$594		Greenville	$644
									TX	Austin	$364
										Dallas/Ft. Worth	$474
										El Paso	$354
										Houston	$474
										San Antonio	$434
									TN	Knoxville	$674
										Memphis	$594
										Nashville	$684
									UT	Salt Lake City	$414
									VA	Norfolk	$634
										Richmond	$584
									WA	Seattle	$384
										Spokane	$544
									WI	Madison	$594
										Milwaukee	$554

IMPORTANT NOTES: **1.** These air add-ons apply to the cruise or cruise + pre- or post-cruise package. All transfers for air/sea passengers are included. **2.** Should you elect to provide your own air transportation, note that transfers from the airport to the *Oosterdam* (Port of San Diego) are not included, but are available for purchase $32pp roundtrip. Schedule your arrival in San Diego (SAN) leaving plenty of time for flight delays! Arrive no later than 1:30pm on November 11th. Return flights from San Diego should not be arranged before 11:00am on November 18th. **3.** Should you wish to deviate your air from the "standard" schedule, Holland America Line charges $50pp for this service. *All requests must be sent in writing to The Cruise Authority.* Air deviation fees are non-refundable. **4.** Any special seat assignments or other requests must be made directly with the participating air carrier. You will receive your air schedule approximately 30 days prior to departure. **5.** Fees will apply to any changes to existing air reservations made within 65 days of travel or deletion/cancellation of the Fly-Cruise Plan from your booking within this same time period.

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conclusion that the majority has no confidence in its own values. Out of such doubt, indeed self-loathing on the part of the multicultural establishment, grows a natural Muslim response that the British really are decadent, fit only to be exploited and ultimately colonized.

In 1998, Europe's Human Rights Convention was incorporated into English law, and is held to be superior to it. Human-rights legislation assumes that jihadists, terrorists, and human bombs are not motivated by ideology but are simply committing crimes like any other. Britain pays a high price for this sentimentality. As Phillips puts it, Islamist terrorists and extremists have streamed in their thousands to "such a delightful and agreeable destination" as Britain. Thanks to human rights, the country has lost control of its borders and its immigration policy. Judicial activists are busy destroying the nation by privileging minorities, their protagonists and proclivities. Abuse of women and homosexuals becomes customary; convicted terrorists are protected; and legal measures against terror are rejected—all in the name of human rights. Phillips quotes a senior law lord, Lord Hoffman, commenting on a proposed law to hold suspected terrorists: "The real threat to the life of the nation . . . comes not from terrorism but from laws such as these." People pay with their lives for judges' fantasies like this.

In a forceful and groundbreaking chapter, Phillips describes how the British Left has made common cause with political Islam. Different as they are in all other respects, these unnatural allies are united solely in hatred of the United States and Israel. The hard-Left mayor of London shares a platform with Sheikh al-Qaradawi, mentor of the Muslim Brotherhood and as obscurantist as anyone in the world, and they and their kind are successfully pushing public opinion to support Islamist violence in Iraq and Palestine. Once reliable for objective reporting, the BBC now displays regular bias against the West. Another forceful and equally groundbreaking chapter lays out how the Church of England has lost its moral compass in response to contemporary events. For example, Yasser Arafat lived a career of unrelieved terror and corruption that rebounded on the Palestinians, but hearing of his death an archbishop virtually canonized him by praising his "perseverance and resolve in the face of so many challenges."

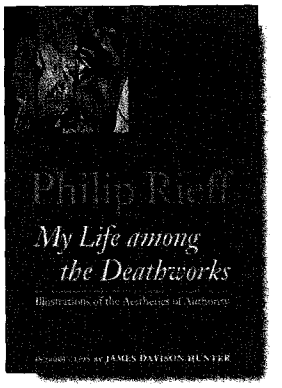
Britain in this view is no longer a valid defender of the West, but increasingly likely to undermine and subvert by its example the United States and Israel, both still robust nation-states, and then one day succumb. Plenty of Islamists, it is true, are already rejoicing at the prospect of colonizing some in the Western world, and exterminating others. For Melanie Phillips, clerical fascism is inherent in political Islam, and British apologia and surrender are boosting it. She calls for a revival of the culture and its moral values but her whole tone suggests that this is already to whistle in the wind. The British illness is so far advanced that prescriptions of this kind may not be enough to prevent the clash of civilizations looming on the horizon. **NR**

HEART ATTACK

There is storm outside.
She thinks of her good father
in the hospital, and weeps.
The way she shudders with the lightning
you might think she was waiting
for the sound of a great heart breaking,
and she tells me that long ago,
safe on the porch from the rain,
she and her father would watch
the lightning and count the seconds
until the thunder came.

—MICHAEL CREAGAN

The Aesthetics of Moloch



My Life among the Deathworks: Illustrations of the Aesthetics of Authority, by Philip Rieff (Virginia, 288 pp., $34.95)

M. D. AESCHLIMAN

THE supreme ironical aesthete James Joyce is reputed to have said—probably while sitting at a Left Bank café in Paris with his admirers and acolytes in late 1939—that "the Poles can perish as long as *Finnegans Wake* survives." Itself published in 1939, this witty monument of aesthetic nihilism contained ironic mockeries of Jewish monotheism—for "the Word of the Lord" we had "the Woid of the Loud." This was during the same time that the Nazis were preparing to shift their approach from systematic persecution of Jews to elimination and extermination: By 1941 the SS Einsatzgruppen would be murdering Polish and Russian Jews in mobile gas vans on the expanding Eastern Front.

Also in 1939, the Jewish atheist Sigmund Freud chose to publish *Moses and*

Mr. Aeschliman is professor of education at Boston University, adjunct professor of English at the University of Italian Switzerland, and author of *The Restitution of Man: C. S. Lewis and the Case Against Scientism*.

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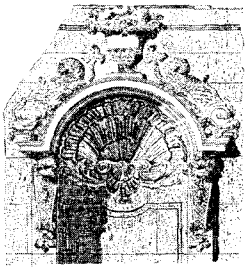
Monotheism, a hateful anti-Semitic fantasy disguised as cultural history and anthropology—though Freud did so from the safe haven of London, to which British diplomatic intervention had brought him after the Nazi Anschluss in Austria in 1938. Most of his beleaguered Austrian, German, French, and eastern European fellow Jews were not to be so privileged and fortunate: They lacked the social and financial means to escape the clutches of their Social Darwinist German predator.

Here is a cultural history that is not much discussed. As a witty tempter says to Thomas Becket in T. S. Eliot's *Murder in the Cathedral*, "This is a sentence not taught in schools."

Editor of *The Collected Papers of Sigmund Freud*, Philip Rieff is our finest living analyst of, and witness against, these tragic, apocalyptic dynamics. His great, ambivalent, and now classic 1959 book, *Freud: The Mind of the Moralist*, commenced from the view that was being influentially promoted in the 1940s and '50s by Lionel Trilling and, later, by his students and sympathizers: a conception of Freud as a heroic modern Stoic, advocating an inevitably painful instinctual repression and self-control as the price of both personal maturity and collective civilization. This Freud could be used both against the Marxists—with their brutal, simplistic fantasy of complete human malleability through utilitarian social engineering—and against the bohemians, who viewed Freud as the great libidinous emancipator. (Among the notable bohemians were the Bloomsbury aesthete-libertines of the 1920s; James Strachey, Lytton's brother, was Freud's English translator.)



Yet what Philip Rieff came to see in Freud's work—and to make clear in later prefaces to the influential *Mind of the Moralist* and subsequent books—was that Freud was a grossly reductive thinker whose atheism was based on a deep hatred of the whole orthodox, Western moral tradition, as rooted in and formulated by Judaeo-Christian monotheistic revelation. Trilling's friend and *Partisan Review* colleague William Barrett saw Trilling's incapacity to recognize this fact as his fundamental limitation as a moralist. Nobler and wiser by far than the libidinous Freudians and the brutal Communists, Trilling could not leave the Freudian camp altogether and continued to invoke Freud as an exemplary Stoic moralist until his own death in 1975.

By contrast, Rieff left the Freudian camp altogether and became perhaps the most powerful ex-Freudian and anti-Freudian of all. In the process, like Daniel Bell and Gertrude Himmelfarb, he became a recognizably Judaeo-Christian moralist and cultural analyst. His internal critique of Freud has continued to develop with devastating and poignant force and his own philosophical-moral framework has been formulated and applied in works of great authority and influence, including *The Triumph of the Therapeutic* (1966) and *Fellow Teachers* (1973).

Central to Rieff's intellectual project—one of the most important in contemporary high culture—is an analysis of the dynamics of that profound insight we all remember from Chesterton: "When men stop believing in God, they don't believe in nothing—they believe in anything." The horrific 20th century saw the deification of the nation, the race, and the class. There was, as well, the perennially appealing deification of the self—which the conservative Freudian Quentin Anderson showed to be particularly virulent in the anarchically promiscuous "imperial self" deriving from those antinomian American emancipators Emerson and Whitman, and bearing poisonous fruit in Henry Miller, Norman Mailer, Allen Ginsberg, and herds of their epigones. The result: "every man his own messiah" (as F. O. Matthiessen put it), giving us a world of "incessant autobiography" (C. S. Lewis) and a "culture of narcissism" (Christopher Lasch).

My Life among the Deathworks is Rieff's sustained attack on modern aestheticism. The first of three volumes that are clearly designed to be his final testimony, it is a bold, profound, disturbing book, highly offensive to contemporary pieties about the supreme value of self-expression, of the arts, artists, and aesthetic experience.

Rieff's rhetorical strategy is risky. He juxtaposes pictures and written fragments of tight analysis in the manner of a collage. He draws on a very wide range of intellectual and aesthetic phenomena, from music and visual art to theology and politics. His diction is dense, elliptical, and allusive: One hazards the estimate that he is using the Nietzschean aphoristic style to subvert, try, and convict its author through his own brilliant stylistic register.

For at the heart of Rieff's view of the culture war being waged inside our society (and in ourselves) is his indictment of the great nihilistic aesthetes who declared war simultaneously or sequentially on God, religion, and ethics, on what he calls "sacred order" as the root of both personal sanity and social order, the perennially necessary, imperfect, fragile civilized mean between anarchy and tyranny. For Rieff the greatest nihilistic heresiarchs are Nietzsche, Wilde, Freud, Joyce, and Wallace Stevens—great aesthetes who wrote powerful "deathworks" that do not so much reflect as shape politics, society, mores, and beliefs. Ideas and icons rule the world, and thus Rieff must be not only an intellectual "reader" and analyst of them but also an iconoclast—an anatomist of false, profane images and a valuer of true ones.

Rieff's essay "The Impossible Culture: Wilde as a Modern Prophet" is perhaps the best short introduction to his thought and chief themes. Like much of his writing since the 1970s, it is not only intellectually brilliant and morally ballasted, but very moving. In the essay, Rieff reprints part of the cross-examination of Wilde by Edward Carson, QC, in the famous and disastrous libel trial that Wilde himself brought, and lost, in 1895 against the father of his homosexual lover Lord Alfred Douglas. It is a document of extraordinary importance, showing that the ultimate philosophical stake in the trial—and in the cultural trials of our own time—is whether human reality is ultimately moral or aesthetic. (The brilliant Wilde saw prophetically that an apparently all-devouring "value-free" science was the ally and augmenter of aesthetic subjectivism.) If Carson was a "Philistine," it was because he was an ethical person, as Rieff shows him to be.

Come down 70 years to 1966: another trial, another courtroom, the same ultimate issues. But now the agile nihilist is not in the dock, like Wilde, but doing

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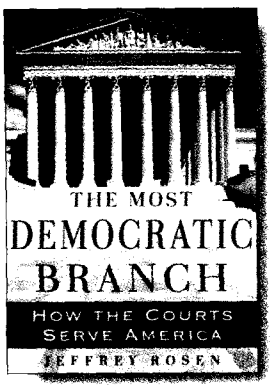
the interrogating. He is the witty John Mortimer, QC, whom the London *Times* described as having "a particular gift for amusing irrelevance"; he is defending the literary value of Hubert Selby Jr.'s pornographic novel *Last Exit to Brooklyn* and he is interrogating a critic of it, Sir Basil Blackwell, who has called it "a vile book, written, I think, with some relish." Like Edward Carson, Sir Basil is an ethical man; unlike Carson, he is no one's Philistine but a distinguished publisher—the first to print works of Graham Greene, Aldous Huxley, Dorothy Sayers, and assorted Sitwells—and head of Oxford's greatest bookstore. Mortimer glibly asks him if anyone can ever really be "depraved or corrupted" by a book (or, by extension, by the arts). The noble old Christian gentleman, 79 years of age, a first-class graduate of Merton College, Oxford, an Anglican layman, and a magistrate himself, replies: "It depraved and corrupted me to some extent. . . . I define 'to deprave and corrupt' as 'to impair, spoil, debase, defile.' I am afraid my memory, in the few years that remain to me, will not be purged of it." Rieff would be on Basil Blackwell's side.

The ominous pertinence of Rieff's argument to our cultural condition is perhaps best briefly conveyed by his use of two photographs, one with commentary, one without. The one with commentary is of Abraham Lincoln, whom Rieff sees, as does Harry Jaffa, as a "sacred messenger" bearing tragic but ultimately hopeful witness to the American constitutional, democratic, republican cause, past, present, and future: a residual but renewable trajectory and momentum of civic decency in the light of Divine Goodness.

The other image is a photograph printed without comment. It is one of the antinomian aesthete Robert Mapplethorpe's highly praised sadomasochistic self-portraits. This image of transgression is both depraved in itself and viscerally depraving to the viewer. It precisely reveals the aesthetics of Moloch, the consequences of the aesthetic establishment of Sodom. Without explicit comment by Rieff, its transgressive, hateful obscenity shows what it is we must fight against, with all our civilized humanity—all our resources of intelligence and civic and moral will. As the century since the death of Wilde—"high modernity"—has shown, the stakes are very high. **NR**

Courting the Center



The Most Democratic Branch: How the Courts Serve America, by Jeffrey Rosen (Oxford, 256 pp., $25)

MATTHEW J. FRANCK

It ought to be axiomatic in publishing: Do not give a book a title that makes a claim the author doesn't really attempt to prove. Not all book titles make claims, bold or otherwise. But, to take a bestseller of recent years, imagine if one opened Thomas Cahill's *How the Irish Saved Civilization* only to discover that it wasn't really about the Irish or about civilization. Just the same reaction awaits the reader of *The Most Democratic Branch*, in which Jeffrey Rosen appears to forget, after about page 4, that his title argues that the judiciary is, well, the most democratic branch of our government. Halfway through his introduction we find him recommending that the judiciary "defer to the constitutional views of Congress," and the title's claim is never heard again.

On the other hand, it is a kind of good news that the book doesn't really argue that the judiciary is the most democratic branch, since such a thesis is unsustainable on its face. Rosen's real argument, much more modest, comes in two parts. The first is that "the courts cannot . . . thwart the will of national majorities for long." That is a plausible historical argument, with a good deal going for it. First we have to define "thwart," "will of national majorities," and "long," and use these terms consistently, but as an account of the Supreme Court's history (and that's the focus here, not courts in general), this might work.

Mr. Franck is chairman of the political-science department at Radford University in Radford, Va., and a regular contributor to NRO's "Bench Memos" blog on the courts.

The second part of Rosen's argument is not historical but prescriptive: that the Court does well by itself and the country, and can continue to do so, when it avoids "judicial unilateralism" and instead abides by whatever is the "social consensus" on the constitutional questions that come before it. If such questions are still in a state of flux or uncertainty, still being "actively and intensely contested" in the political arena, Rosen says, the justices should practice "judicial restraint," refusing to interfere with the policy choices made by Congress, the executive, or the states—or, perhaps, interfering only at the margins, with "gentle nudges rather than dramatic shoves." To do more is to invite "backlash," to endanger judicial independence, and to risk harm to "the causes" the justices "care most about."

"Judicial restraint" sounds terribly attractive to anyone alive to what the Court has been doing to American law and politics for a very long time. And Rosen certainly claims the high ground of moderation here, pouring scorn upon the advocates of judicial activism on both the left and the right. Yet there is something oddly Machiavellian about this book, as though Rosen were a political consultant writing a memo to a client about how to navigate the dangerous shoals of opinion-poll-based political life—as though he were Dick Morris to Anthony Kennedy's Bill Clinton. For in truth Rosen does not want a less powerful Supreme Court. He wants a cannier, more politically astute, and therefore more powerful Supreme Court, accomplishing a liberal agenda by small increments.

The cynicism is breathtaking precisely because it is so breezy and unself-conscious. I can hardly think of another book by a legal academic that evinced less interest in the meaning of the law. Rosen torches the straw man who is "confident that there is a single correct methodology that will produce the right answer to all

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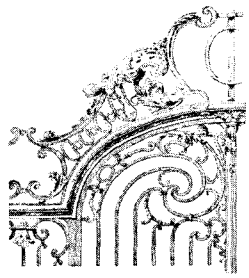
constitutional questions," but it is he who is blithely confident that the right answer is that there are no right answers: The law is the plaything of politics, and the meaning of the Constitution is radically up for grabs.

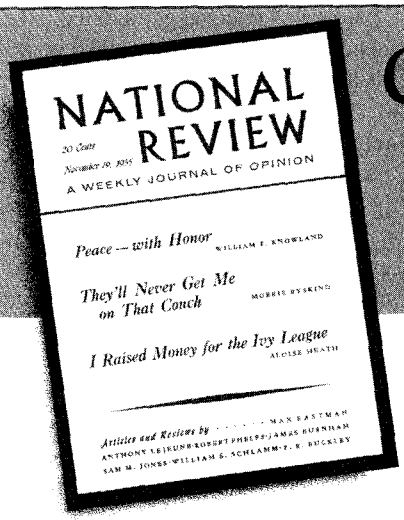
Or so at least one is entitled to conclude from reading Rosen's treatment of a few dozen cases, after none of which can one tell whether Rosen thinks it was rightly decided. *Marbury* v. *Madison*? Its "constitutional conclusion may have been open to question." *Dred Scott*? The question in the case "was intensely contested in Congress." *Lochner*? "The problem" with the decision "was not that it applied the wrong constitutional principle." *Plessy* v. *Ferguson*? It was "arguably wrong," but then again maybe not. *Brown* v. *Board of Education*? The case was fraught with "constitutional ambiguity." *Roe* v. *Wade*? Its privacy principle was "not completely implausible."

Of legal judgments Rosen has none that are not tentative and provisional. Of political judgments he has plenty, all of them imbued with an air of certainty. In chapters ranging through history from the era of John Marshall to the present, and across numerous conventional "con law" topics, Rosen offers self-assured assessments of the extent to which the Court has behaved "unilaterally" or more humbly, praising where the Court moved wisely in his opinion, and blaming where it moved foolishly.

So, in an unintentional parody of a century of bad Marshall scholarship, Rosen tells us that in *Marbury* the great chief justice moved "deftly," with "cunning," and "confounded his political enemies" by "pulling out of his hat" a solution to a looming institutional danger to the judiciary, accomplishing "judicial statesmanship of the shrewdest kind" by means of "a judicial arabesque—or perhaps an act of jujitsu." This sort of praise—and it really is meant as praise—has been lavished on Marshall for decades, without a scrap of evidence to suggest that he had any objective in mind other than to decide the case—and every case he faced—as the law spoke to him. It makes a good story, but it is only a story.



Rosen repeatedly shifts his standard for judging whether the Court is acting in a "unilateral" way. Should the justices follow public-opinion polls? Sometimes Rosen praises them for doing so—or for anticipating the polls accurately. But polls "are hardly a reliable indicator," he tells us, and in any case "the Court should defer to the national majority's constitutional views, not its political views." But Rosen tells us practically nothing—just a few wan gestures here and there—about how to tell the difference between the two. And he can't seem to decide whether judicial unilateralism always has ill effects, or whether we couldn't use just a little more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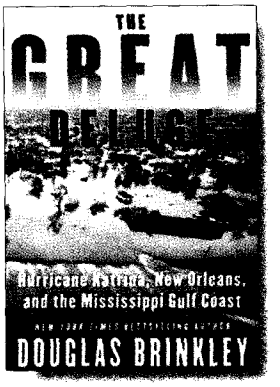
in the way of "judicial heroics" from time to time.

Even in the absence of these difficulties in Rosen's argument, there is the problem of an unfalsifiable history. When a judicial decision is followed by supportive poll numbers, or by the absence of a backlash on Capitol Hill, Rosen takes such reactions as evidence of the Court's savvy reading of constitutional politics. But when public or congressional opinion is positive or tolerant in the aftermath of a ruling, it could be a sign of respect for the Court's presumed expertise or its arguments, or merely an indication of the public's sloth or indifference (or, in the case of Congress, of habitual risk-avoidance). When the Court and the public are in alignment, which is the actor and which the acted-upon? Rosen cannot say that an indistinguishable reaction would not have followed the opposite outcome in any given case. It is quite certain that the justices will never know whether following his vague advice will do them good or harm: That's a sure sign of counsel that is good both always and never, on the order of "look before you leap."

Rosen seems eager to burnish his credentials as a brave and determined centrist on the issues that roil constitutional politics. He takes the obligatory swipe at *Bush* v. *Gore*, which will please his friends on the left. And he sidles up to saying, but doesn't quite say, that *Roe* v. *Wade* should be overturned, which will alarm those same friends. But his pose of evenhandedness undoes him in his final chapter, where he contrasts the competing schools of originalism and pragmatism, both of which he eschews as failures. It becomes clear in Rosen's account—though he fails to see that this conclusion follows—that the failure of pragmatism as a limitation on judicial power is owing to flaws in the approach itself, while the failure of originalism is owing to the inconstancy of judges who do not follow the approach faithfully.

This is a distinction that makes a *lot* of difference—and it ought to tell our author something: Faithful devotion to the project of getting right with the Constitution is the surest way for the Supreme Court to serve itself, the country, and—this is the aim Jeffrey Rosen has willed himself to forget—the integrity of the Constitution and laws of the United States. **NR**

Awash



The Great Deluge: Hurricane Katrina, New Orleans, and the Mississippi Gulf Coast, by Douglas Brinkley (William Morrow, 736 pp., $29.95)

LOU DOLINAR

HAGIOGRAPHER to John Kerry and Jimmy Carter, contributor to *Rolling Stone*, editor to the late Hunter Thompson, buddy to Sean Penn: Douglas Brinkley is the nation's foremost liberal historian, one whose celebrity extends from academia to the rock world.

Do you want to buy a book from this man anyway? Maybe just this once: *The Great Deluge* is a mostly down-the-middle account of the week of Hurricane Katrina's assault on New Orleans and the rest of the Gulf Coast. Even historians have beats, and New Orleans is Brinkley's. A professor at Tulane, he's wired, with friends ranging from street preachers to power brokers deep inside the local Democratic-party establishment. Plus, he was there: He rode out the storm in a downtown condo, secured his home, then cleared out his family to Houston. He came back to town a few days later to work the rescue boats.

Like the phenomenon it discusses, this 700-page book is a monster. It grinds through the awful hours of the storm and its aftermath, providing a sweeping day-by-day account that remorselessly, and occasionally indiscriminately, sucks in newspaper clips, thousands of pages of congressional testimony, and hundreds of original interviews.

Brinkley aims at a partial rehabilitation of his city's reputation. Though he's merciless on the politicians, he provides a stunning and rich account of how local first responders—including an army of volunteers, the Coast Guard, National Guard, and, oddly, the Louisiana Department of Wildlife & Fisheries—saved the lives of tens of thousands of their fellow citizens. It is a story I told in abbreviated form here in NATIONAL REVIEW back in October, but most liberals will be startled to learn that many good and important things happened during the first week of Katrina, while the media were spreading false rumors and waiting for "help to arrive."

There's a wonderful cast of characters: Rev. Willie Walker, who tries to herd his flock out of the city, then takes to the boats to round them up afterward; Laura Maloney, an SPCA official who managed to evacuate her four-legged charges, even as the mayor neglected his; Captain Chad Clark of the St. Bernard Parish sheriff's office, barreling through flooded streets on a jet-ski in 60-m.p.h. winds to save a drowning baby and her mother; and dozens more who were neither helpless victims nor anarchic rabble.

While explaining Louisiana's swamps—the destruction of which heightened the city's vulnerability to Katrina—Brinkley mostly avoids those of the fevered Left. Global warming gets a brief nod as a possible contributor to the catastrophe, but the author lays most of the blame for the levees' collapse on the Army Corps of Engineers and a local political class that chose to ignore 50 years of reports, newspaper series, and common-sense observations about the city's vulnerabilities. "For decades," he writes, "university professors all over Louisiana were trying to get government officials to wake up to the dire threat."

Did the Iraq War hamper deployment of the National Guard? "To some extent" in Mississippi, says Brinkley—even as he upbraids Louisiana governor Kathleen Blanco for claiming that "we didn't have our Louisiana National Guard stateside." ("Yes, she did," Brinkley writes.) What about funding shortfalls? "While a $427,000 repair to a crucial floodgate languished in inexcusable bureaucratic delay, the [New Orleans Levee] board went ahead with happier pursuits, building

Mr. Dolinar is a columnist for *Newsday*.

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parks, overseeing docks that it had constructed, and investing in on-water gambling. . . . [The board] seemed to do everything except oversee the levees."

Were blacks disproportionately victimized? Brinkley prefaces the Katrina story with a long discussion of race and class in New Orleans; but he concludes that it was not blacks but senior citizens who suffered the most. (That sort of thing can get you banned from Democratic Underground.)

The book's publication has roiled Louisiana's political system—not because of its overall characterization of the state's political class as bumbling, corrupt nincompoops, but because of its criticism of Mayor Ray Nagin (who was nearing the end of a hard-fought reelection campaign) and its sympathetic portrayal of his opponent, Lt. Gov. Mitch Landrieu. Of course, everyone already knew about Nagin's responsibility for the bungled evacuations, the sunken school buses, the dysfunctional police department, and his near-invisibility in the early days of the crisis. Where Brinkley broke new ground was in giving Nagin's enemies a megaphone for petty personal attacks: Nagin, one says, "seemed to be inching toward a nervous breakdown" during a key Air Force One meeting with the president and Gov. Kathleen Blanco. Blanco herself is described as "flabbergasted by Nagin's performance on Air Force One. . . . He was unprofessional, and, she feared, unglued."

I'd gladly write a check for a 700-page update in which Brinkley explains why Nagin got reelected anyway; I came away from this book still baffled by Louisiana politics. Basically, the race was between two species of Boll Weevil Democrats: a party-establishment white guy, Landrieu, with vague racial appeal to white voters, vs. Nagin, an insurgent pro-business black guy with vague racial appeal to black voters. A coalition of Republicans and blacks succeeded in electing the lesser of two Weevils—owing, in part, to a backlash against Brinkley's book.

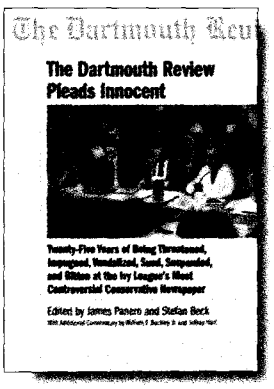
Brinkley has been criticized for being too kind to Governor Blanco, who cooperated with the book and provided him with access to her personal papers. In any normal state, his portrayal of her vast store of inexperience and incompetence in disaster management would send her packing to an instructor's job in Tulane's government department. But he has a soft spot for the lady governor, as I do, because she had one good idea: mobilize rescue teams from the Louisiana Department of Wildlife & Fisheries, the only agency in the benighted state that had a budget line for boats. That saved about 20,000 lives. She also had her moment of courage, when she in effect told the horde of reporters and camera crews in Baton Rouge, each of whom wanted scarce seats on rescue helicopters and boats, to go screw themselves: The space was needed for survivors. Meanwhile, the governor appears to be running for reelection on the strength of the rescue effort Brinkley describes.

Thanks to his local contacts, Brinkley has a fair amount of fresh material on the mayor and the governor. He doesn't bring anything new to the conventional critique of the president, FEMA, and the rest of the federal government: Bush was too detached, FEMA was too incompetent, and the military was too late.

But the book's major flaw—and it is a big one—is the breathlessly worshipful treatment of the national media. You will find no mention here of how every major paper, including the *New York Times*, the *L.A. Times*, and the *Washington Post*, has been forced to backtrack on the most lurid descriptions of murder, rape, and anarchy that dominated coverage on TV and in print for a week: a slander of the city's residents and first responders that is now etched permanently into the American consciousness. The House committee on Katrina, meanwhile, has flayed the media for obstructing relief efforts. For example, relief convoys were delayed when truck drivers demanded to be protected by the National Guard from media-invented snipers. And on TV, the whole rescue effort by thousands of good guys—which Brinkley correctly makes the core of his narrative—was relegated to sidebar status at best by bogus accounts of baby raping and murder victims stacked like cordwood in freezers at the Superdome.

Brinkley was gracious enough to chat with me about the book, despite my right-wing credentials. Why, I asked him, did you ignore the misreporting of the story? He replied, "I cut the media some slack. . . . The media were reporting what the chief of police and mayor were saying." Fine, Doug, but if that's your take, it is a controversy that belongs in the book, not just in NATIONAL REVIEW—at least if you're interested in restoring the reputation of the city you so obviously love. **NR**

A Lasting Infamy



The Dartmouth Review Pleads Innocent: Twenty-Five Years of Being Threatened, Impugned, Vandalized, Sued, Suspended, and Bitten at the Ivy League's Most Controversial Conservative Newspaper, edited by James Panero and Stefan Beck (ISI, 361 pp., $25)

ALSTON B. RAMSAY

FOR a conservative, the first dip in the pool of college politics is often disastrous—the waters are frigid, and one is made to feel like the scrawny five-foot Speedo-clad four-eyes who just showed up at the football team's annual keg party. It's enough to drive some students away from politics for good, but it drove me to apoplexy, and to engagement. I can't recall which serving of inanity from the campus Menu of Outrage I was frothing over on the phone with my oldest brother, but he quickly cut me off. "Listen," he said, "college is like a sandbox: The children may throw sand at each other, but in the grand scheme of things it's unimportant. You should just try to have a good time." *Yes,* I thought, *but these same children will eventually grow up and one day they may be cramming the same misshapen ideology down the throats of senators and presidents and if no one else is going to stop them—dammit—it's up to me.*

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My well-intentioned brother cannot have been pleased when, two short years later, I ascended to the editorship of *The Dartmouth Review*, the notorious conservative campus journal that has for 25 years tormented activists and administrators at Dartmouth. When the other side throws sand, the *Review* responds with a gleaming set of brass knuckles, a crushing combination of logic, wit, humor, and—the sine qua non—derision. The willingness to attack opponents mercilessly, and sometimes unfairly, doesn't win many friends on campus—but it does earn a certain amount of notoriety. In our case the reputation went national. Mention *The Dartmouth Review* to a college administrator, and it's a safe bet he'll break out in a cold sweat. Fame may last a minute, but infamy lasts a lifetime.

The hilarious journey from the backwoods of New Hampshire to national renown is chronicled in this new book, *The Dartmouth Review Pleads Innocent*. (And yes, all the things mentioned in the book's subtitle—threatened, sued, bitten, etc.—really happened.) James Panero and Stefan Beck, both of *The New Criterion*, have done a masterly job not only in collecting a fair sampling from 25 years of archive material, but of assembling it in a cogent, highly readable manner. Even someone entirely unfamiliar with Dartmouth will find the various episodes entirely self-explanatory.

The history of the *Review* is chiefly one of irony—of a college administration trying feverishly to remove a thorn in its side, but instead making its own situation dramatically worse. At the time of the *Review*'s founding in 1980, leftists on campus thought they were living in ideological end-times. Sure, there were still battles to be fought, but liberalism steamed forward unchecked, and the rise of political correctness had proven unassailable. Even if conservatism made inroads in D.C., the campuses remained safe. That was certainly true at Dartmouth, until the iconoclastic newspaper burst on the scene and ruined the liberals' party with its strident brand of journalism.

The Dartmouth elite immediately fought back. For example, when an administrator attacked and bit (!) one of the paper's founders, the faculty responded by censuring . . . *the paper*. James O. Freedman, who became president of Dartmouth in the late 1980s, engaged in a number of high-profile publicity stunts targeting the *Review*. The only effect was to turn the campus into a media circus—and to create in the *Review* a national icon for other campus conservatives to emulate. (Freedman was eventually hauled into court after his administration suspended a number of *Review* editors for—I'm not making this up—"vexatious oral exchange.") The *Review* relished the fight, and the telling of the story became just as important as, if not more important than, the story itself. As former editor Dinesh D'Souza noted, messing with the *Review* is like wrestling a pig: Everyone gets dirty, but the pig likes it.

The incidents that earned so much national attention are recounted in detail in this book, but more impressive, and entertaining, is the way the volume captures the paper's spirit—that collegiate ideal of fun with a purpose. Many of the stunts were admittedly obnoxious (sophomoric because they were sophomores, Bill Buckley once said)—but they were hilarious because of their sheer excessiveness. When the college refused to remove unsightly shanties from the Green—a months-long protest against apartheid—editors formed the Dartmouth Committee to Beautify the Green Before Winter Carnival (DCBGBWC), which promptly tore down the monstrosities. (A *Review* article on the resulting kangaroo court was titled "Twelve Environmentalists Charged.")

Once, after a dean urged the public censure of a *Review* reporter, the paper censured the faculty (a 35–2 staff vote, they drolly added). And a professor who complained that the *Review* incorrectly reported on his sporting a "polyester tie and a rat's-hair mustache" received this apology: "We regret our error. In reality Professor Spitzer has a rat's-hair tie and a polyester mustache." Flip to any page of the book and you'll find similar hijinks.

As much as this book is a celebration of the rise of campus conservatism, it also offers an unspoken warning. There's a lot of chatter these days about the "mainstreaming" of the movement, but journals, especially on campus, don't have to be "mainstream" in order to be legitimate. In many respects, it's the disinclination to be mainstream, the tendency to fly in the face of prevailing orthodoxies, that creates their legitimacy. As soon as one admits to being "sedate"—as one essayist in this volume sadly does—the desire for popular appeal can overwhelm principles; the corrupting power of politics begins to eat away at ideological foundations. And pretty soon students end up mewling about how repressed they are on campus—and begging state legislatures to step into the fray, à la the academic-bill-of-rights movement (whose proponents *The Nation* accurately labeled "crybaby conservatives").

That's not much fun, and it's not the way to go—which is why the arrival of *The Dartmouth Review Pleads Innocent* is so perfectly timed. Conservatives on campus face a choice: They can play the banal games of their counterparts on the left, or they can wage a guerrilla war from the right, with cleverness and reason as their natural weapons. For anyone who wants to fight the good fight, this book is as much a guide to strategy as it is a highly amusing stroll through the annals of a supremely entertaining campus journal. **NR**

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■ CITY DESK ■

The Place of No Place

RICHARD BROOKHISER

You all know Edward Hopper's *Nighthawks*: dark street, diner window, counterman, couple, loner. It is the 20th century's empty American sublime, the Yosemite of no place. Here is this century's equivalent. A road near an interchange, leading to an executive-suite hotel. At the reception desk a stack of that morning's *USA Today*. In the hall a table with four thermoses, and a sign: "We Brew Starbuck's Coffee." In the room, the Cyclops eye of the television. In the drawer of the nightstand, the Bible and the Book of Mormon.

Business has recently made me stay in that hotel, in several states. Anyone who stays in such places must miss something, by comparison with where he comes from, for they have so little to offer in replacement. (Unless, and perhaps this was Hopper's thought, we live nowhere all the time.) What do I miss?

In hotel-land I cannot walk. In New York sidewalks lead to the four points of the compass. I can walk past my doorman and stroll to food, drink, bargains, FedEx, even trees. I can walk to Hong Kong (Canal Street) or Naples (Mulberry Street). I used to be able to walk to Bohemia (Avenue A), but that's moved. In hotel-land, the sidewalk takes you to the parking lot, before it disappears into landscaping and mockingbirds, or clings, like an ambiguous curb/storm drain, to a whizzing artery. There may be a crosswalk that points to a mall, but it is not inviting. You roam like a small being from an earlier age, marooned in time travel. When you reach the mall, you are only at the corner of another parking lot, the size of a county, with trees stuck in red mulch and, in the distance, a Mexican restaurant. After all your trudging you arrive at JCPenney. New York was once the nursery of futurism, but it allowed man to keep his limbs. In hotel-land they will wither to flippers that work the gas and the brake.

Besides freedom of physical movement, I also, paradoxically, miss freedom of mechanical movement in hotel-land. I could make up much of that deficit by renting a car, though even with the freedom of driving, I would lose the great freedom of being driven, milord's privilege to be conveyed. In New York you hail taxis with a hand. In slack times they cut each other off to pick you up. In rush hour, you feel the thrill of the hunt, staking out corners that have two approaching flows of traffic, or deciding when to bolt Fifth Avenue for Park or Lex (answer: almost always). In non-driving hours (9 A.M. to 8 P.M. in midtown) there is the subway. This stretches the image of aristocratic conveyance to the limit, but aren't there times when an Atlantan or a Dallasite would like to duck underground, and pop up, like a cartoon prairie dog, at his destination, for the price of some congestion and anti-acne ads? In hotel-land there are no subways and the man at the desk must call taxis. They come with the tides, then you have to take the driver's cards and call them back for the return, unless you have arranged to rendezvous after precisely 90 or 120 minutes of eating, shopping, or picture-gazing. If you wanted an after-dinner drink, or one more Hopper, too bad.

New York allowed man to keep his limbs. In hotel-land they will wither to flippers that work the gas and the brake.

Hotel-land has no local news. *USA Today* is a weather map with copy attached. The high-end newspaper of nowhere in particular, the *Wall Street Journal*, is named for a specific place, but one that, like Lesbos or Golgotha, has been subsumed into a quality. It tells you about the supply side, not the Lower East Side. The New York–based national and international newspaper, the *New York Times*, makes a graceless attempt to report on policemen and Negroes. But real life is in the tabs, the *Daily News* and the *Post*. These money-losing dinosaurs, maintained by the vanity and political calculations of their owners, keep breathless readers abreast of pervs, babes, thugs, and celebs. They are a grand farewell to Fleet Street and *The Front Page*, a spectacular blowout before the last press run. My wife could save them for me until I returned from hotel-land, but what would be the point? They are like dew or day lilies, the fruits of an hour.

What I miss second-most in hotel-land is frenzy. "Thank you, sir." "Yes, sir." "The taxi should be here in twenty minutes, sir." Who needs it? Where is *pal*, *buddy*, and the specific places, on bodies, not maps, that have been subsumed into qualities, expressing impatience, aggression, and disgust? New York's frenzy is the byproduct of competence, the wish to get somewhere now, not five or fifteen or fifty minutes later, the need to do two or three things at a time rather than one. Frenzy is our version of battle fever, or the scientific method: the way we do things. Its characteristic phrases are our language of love, our profession of faith. Hence, "Hey, buddy," "Hey, *paal*," and, in emergencies, "Effing [specific place]."

But what I miss most about my home when I am in hotel-land is silence. What? Jackhammers, ambulances, firetrucks, the Nokia ring, school kids, the shout of the rushing bicycle courier, the woman in the Union Square subway station playing "How Great Thou Art" on a musical saw, the conductor on the #6 train announcing *Kxs kxs kaaxkh*, and over it all, from the open ends of street lamp crosspieces, the cheep of sparrows. Yes, silence—because in variety there is choice, including the choice not to attend. In hotel-land, that choice is destroyed by CNN braying in lobbies about the latest Marine war crime, by the chanting in vacant dining rooms of World Cup crowds, by the pumped-out pop music in mall food courts.

Maybe the three customers in *Nighthawks* had to listen to a jukebox. It doesn't look like it. We do, though, in hotel-land. I want to go home. **NR**

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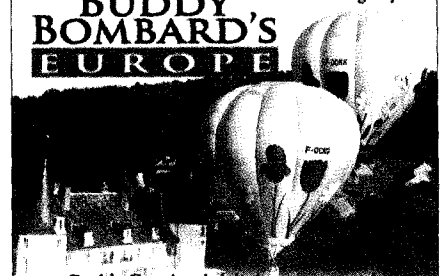

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on the right

WILLIAM F. BUCKLEY JR.

My Lai Again?

NEW YORK, JUNE 9

We hope that the facts will become plain as to what occurred at Haditha in November. But this isn't happening. What we have is a story the components of which are pieces perpetually on the move. Starting at the bloody end, we read that 24 Iraqi civilians were killed by U.S. Marines in blood lust, the Marines reacting to the killing of a beloved member of their unit by a roadside bomb. Fiddle with the words above, and you can compose narratives for just about every story that has gone out.

It is illuminating that there is this confusion having to do with the facts. "Illuminating" is less than "reassuring." *Somebody* killed those Iraqi civilians, including women and children.

But memory is aroused, and we turn to *Facts on File* for April 7, 1971. It recounts in some detail the aftermath of the court martial of Lt. William L. Calley Jr., commander of the platoon in Vietnam that slaughtered dozens, perhaps hundreds, of civilians in the little village of My Lai, bringing on the greatest crisis of military morale since World War II.

The court martial began two years after Richard Nixon had been elected president, at the height of the national self-examination on the question whether we had been correct to send troops to Vietnam in the first place. The news of what seemed to be cold-blooded murder was arresting, gripping the American conscience as if by testicular strength, demanding to know how to square the American deed in Vietnam with the American ideals that sent us to Vietnam.

And yet there was such immediate dismay over the court-martial verdict that the Pentagon sent out a "white paper" explaining what had been done. To begin with, the United States' subscription to the Geneva Conventions required courts martial against the 13 defendants, i.e., soldiers concerning whom there was evidence that they had engaged in knowingly firing at civilians, or had ordered others to do so.

Charges were dismissed against 10 of the 13 on the grounds that there was not enough direct evidence. Three went to trial, and two of them were acquitted. Only Lt. Calley was convicted. "In the case of Lt. Calley," the report said, "we had an overwhelming body of evidence."

What then happened has no parallel in U.S. history. Calley was sentenced to life imprisonment, dismissal from the Army, and forfeiture of pay and privileges. That set off pandemonium.

Vice President Spiro Agnew criticized the entire proceeding on the grounds that military operations "are not subject to Monday morning quarterback judgments." Attorney General John Mitchell said, "I have a great deal of concern about the total picture as it relates not only to [Calley] but to others." Gov. Jimmy Carter of Georgia proclaimed April 5 "American Fighting Man's Day," and urged Georgia motorists to drive all week with their headlights on. Gov. George Wallace actually went to Fort Benning to converse with Calley. Wallace said he did not criticize the Army for the court martial but believed that Nixon should grant Calley a full pardon.

Which . . . Tricky Dick just about did. He asserted authority over the proceedings, on the grounds that as commander-in-chief, he had ultimate responsibility for convening courts martial. He then said that he would review the court's findings.

Nixon said that he would need to give much thought to a final determination, once the military appeal process had run its course, if he was "still in office at that time." That was said in April 1971, with the next election 19 months away. Mr. Nixon, the diplomat, was exercising his skill with the voters. He wanted a good long time to "weigh" the Calley case.

Is the public refusing to believe the story of what allegedly happened at Haditha? On the grounds that Americans simply could not be guilty of such acts? Surely what happened reflected not base instincts, but chaos and anarchy?

In a brilliant essay in NATIONAL REVIEW, Christopher Levenick of the American Enterprise Institute reviews *My Battle of Algiers*, by Ted Morgan, recalling the bestiality of that wretched war. And yet French soldiers who committed torture routinely went on to successful careers. "Indeed," writes Levenick, "it is not uncommon to learn that such men are capable of living out the rest of their lives without any sense of guilt for their actions. It remains a basic truth of human nature that a uniform is all that many men need to dissociate themselves from the evil they commit."

Did Zarqawi Go Peacefully?

NEW YORK, JUNE 13

The story of the last days of Abu Musab al-Zarqawi taunts the imagination at different levels. There is the purely human story. Zarqawi was perhaps the most conspicuous killer-sadist since Reinhard Heydrich. When that Nazi overseer was assassinated, the Germans undertook in reprisal to give the world something of a Disney-sized genocidal exhibit, setting out to kill every one of the inhabitants of the little town, Lidice, where the assassin had lived. Zarqawi was much taken with the long reach of brilliantly exhibited terrorism. He himself effected the beheading of two captives, done carefully for the cameras, intending maximum exposure.

He was attracted to terrorism, selecting as one target the giving of candy bars by American troops to Iraqi children. From such occasions his suicide bombers managed 42 dead, 35 of them children.

Curiosity attaches to the mission of Zarqawi. He was not schooled in his faith, but he drank deeply of such knowledge as he had, and it overpowered all other perspectives. He developed skills of the kind that play on the mythogenic imagination. He seemed to enjoy his practiced deceptions, traveling about often as a woman, more than once all but evaporating from an encirclement in which he was thought finally vulnerable. Generations of Westerners were brought

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up on the legendary skills of Robin Hood in outwitting his would-be captors. As much will surely be done for Zarqawi.

My own curiosity was most aroused by the events of the last day. The sources we disposed of—HUMINT (human intelligence), high-tech reconnaissance, and electronic intercepts—absolutely told us that Zarqawi was in the small house whose coordinates we knew.

A decision had to be made. It is always thought preferable to take a wanted man prisoner on the assumption that much critical information can be extracted from him. Twenty-four hours after the decision was made to go for the kill, military spokesmen made persuasive points. One of them was that, with night descending, the possibility of yet one more escape was conclusively the darkest cloud on the horizon. A second point was that to capture Zarqawi alive would require a firefight with his bodyguards. Even if they were easily overwhelmed, still there would be American dead. Why sacrifice more American lives?

So the execution orders were given to fighter jets, two of them within striking distance. But one of them was busy with the pre-eminent need for marsupial refueling, so both 500-pound bombs came down from the second plane.

It was instantly established that the target had been hit by the first bomb, but the naval commander told the pilot to go with a second hit. It was a matter of minutes before our Delta Force was there to verify that the objective was accomplished. The drama produced: Zarqawi alive.

Three plenary accounts of what then happened, taken from *Time* and *Newsweek* and the *New York Times*, advise us that Zarqawi was wounded but on a stretcher. He was speaking, but then—suddenly—he is dead. Of the wounds suffered from the bombing.

We are told by reporters with ready access to the scene that different men, but men with authority, began now to speak about the need to protect the valuable sources that had combined to give us the coordinates of the master killer.

Was there somebody in the act there who decided that Zarqawi was much better, there and then, definitely dead, than headed for one of those chambers where Milosevic practiced his legal education, only finally dying of something not related to a noose or a guillotine?

How delicately do you need to treat a killer responsible for thousands of deaths, hunted down for three years by a special posse, and finally ordered killed by whoever gave those instructions to the pilot on just where to drop the two bombs?

Gitmo Worries

NEW YORK, JUNE 16

Suicide can be an effective psychological weapon. In Western eyes, suicide is the ultimate singularist affirmation. This was brought dramatically to mind by an event of 1946. After one year of public examination, the Western powers said they were ready to hang the 11 Nazis who had been given the death sentence in Nuremberg. When Hermann Goering was discovered dead from a poison tablet he had got hold of, there was dismay. United Press, knocked off kilter, sent out the famous flash, "Goering Cheats Death by Committing Suicide."

The next general experience of suicide as a political weapon came in Vietnam. The Vietnamese who took their own lives were protesting the Diem government's anti-Buddhist activities. They caused great consternation in America and in South Vietnam, and brought on the beginning of the national self-doubt which would end only in 1975 when the last GI was pulled out of Indochina.

There is a call now to clear out of Guantánamo, notwithstanding our formal historical right to remain there. The spotlight glares with special intensity after the deaths of the three men who contrived their synchronized suicides.

We have been in Guantánamo since 1898. Our formal understanding has been that the U.S. is permanently at liberty to maintain a naval base at the eastern end of the island. It was not foreseen that Guantánamo would become a useful place to keep prisoners of complicated lineage.

But it has conveniently served that purpose. The U.S. caretakers have been careful to discourage any charge of mistreatment. A Belgian human-rights outfit actually went so far as to opine, after inspecting the base, that Guantánamo is a "model prison, where people are better treated than in Belgian prisons." The difficulty arises from the discomfort we feel over men sequestered in a U.S. naval base without formal prospects of release.

There is no consummation of the sentencing of these detainees, most of them scooped up from Afghanistan during and after the bitter war in 2001. We have been thoroughly entangled by technicalities. Accommodations made first in the U.S. Constitution, then in the Geneva Conventions, then in the U.S. military code, were not applicable. The detainees weren't subjects of any government with which treaties had been made. Trying them for their conduct in Afghanistan was all but impossible without compromising anti-terrorist efforts. Detainees cannot be given traditional protections because the rights to counsel and cross-examination of accusers cannot be effected.

Inevitably, a U.S. judge got into the act, ruling two years ago that the "regularly constituted court" clause in the Geneva Conventions conveys all rights, procedural and substantive, that are prescribed in the U.S. Uniform Code of Military Justice. Judge James Robertson ordered the federal agents at work in Guantánamo to stop, on the grounds that they were in violation of Section 839 of Title 10 of the military code, which states that "proceedings shall be conducted in the presence of the accused." He was overruled on appeal, and the case is now before the U.S. Supreme Court.

It is a wrenching subject because Americans understand the distinctive character of the prisoners in Guantánamo. But they are not reconciled to the idea of indeterminate detention with no procedural rights, except as vouchsafed by the U.S. commander-in-chief.

Mr. Bush has maintained a perfectly defensible position. But he needs to make more persuasive what he considers the strategic role we are exercising in Gitmo, stressing always the contrast between how we do things, and how things are done in that part of the island ruled by Castro.

—Universal Press Syndicate

"Okay, I robbed the bank—but I'd rather talk about the real issues that the American people care about!"

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happy warrior

MARK STEYN

One Paper's Killer Reviews

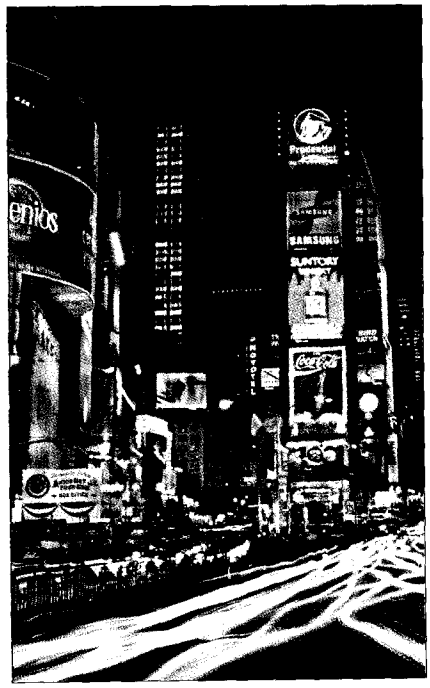
REMEMBER when Frank Rich was drama critic of the *New York Times*? Feared as "the Butcher of Broadway," he could close a show on opening night. He did it to a musical called *Dance a Little Closer*, set on the eve of World War III and written by Charles Strouse, composer of *Annie*, and Alan Jay Lerner, lyricist of *My Fair Lady*. But what did they know? At the first-night party, fax copies of Rich's review were passed around, and the producers threw in the towel while the first canapés were still going round. Alan told me he spent the next 72 hours throwing up.

I had lunch with Mary Martin back then and she told me she'd just been sent a new play by a mutual friend. "What do you think of it?" I asked.

"It doesn't really matter what I think of it, does it?" she said. "I should just send it straight to Frank Rich and see whether he thinks I should do it." Some buddy of hers had just been panned in the *Times* that morning and Mary was devastated. "Oh, plop!" she said, which was her preferred choice of swear word and always sounded to me far more vivid and obscene than any of the ones the gangsta rappers use.

Well, the *Times* arts pages aren't what they were, but the Frank Rich approach seems to have been transferred to the national-security and foreign-policy departments. We may be in a real world war, but the president and the attorney general are in the same situation Charles Strouse and Alan Jay Lerner were when writing about their fictional world war. They can labor away for months, fine-tune this, ditch that, re-tweak the other. But what do they know? In the end, before you go to all that trouble, you might as well mail the script to Bill Keller and ask him what he thinks. Because if he doesn't like it, he'll give you a pan and close down the show.

Mr. Keller, the *Times*'s executive editor, and "Pinch" Sulzberger, the publisher, have now succeeded—for the second time in six months—in scuttling a top-secret program, and this time, unlike the last time, without even the fig leaf of alleged unconstitutionality: With the best will in the world, a wire transfer from Dubai to London routed via a clearinghouse in Brussels doesn't come under the U.S. Constitution no matter how the penumbra emanates. So Mr. Keller took



Bombs on Broadway aren't so harmful.

refuge in "the public interest." The public might be interested in all manner of things—Juanita Broaddrick, those Danish cartoons of Mohammed—that the *Times* forbears to satisfy. Indeed, this particular program—which caught the perpetrators of the Bali bombing, among others—would seem to be the textbook antithesis of the paper's motto: news that's not fit to print.

But they printed it anyway—and, even by the standards of the anti-Bush, anti-war elites, crossed a line taking them well into al-Jazeera territory. So I was going to announce my boycott of the paper. But, now I think about it, I quit writing for the *Times* a few years back after they edited a feature into the worst piece of sludge ever to appear under my name—it was an interview with the actor Daniel Massey, who loved my columns in the London *Telegraph*. The day after the *Times* sludge appeared, I ran into him on Seventh Avenue and he looked at me and said, "What happened?"

A couple of years after that, I quit buying the paper because I realized the sludginess wasn't confined to my own contributions. Maureen Dowd has prose style so nobody else at the paper has to. Which may be why she's ODing on it.

When Frank Rich was drama critic, I never quite understood how come he alone had power of life or death. In London, there were a couple of dozen chaps on the theater beat. A rave from Jack Tinker at *The Daily Mail* was generally agreed to be a "money review," but if you had the *Telegraph* and the *Express* and a couple of others you could override a Tinky pan. Not so on Broadway. If the *Times* decided to take you out, it didn't matter how many dozens of thumbs-up you had from the rest of the critics' circle. In other words, it was the cravenness of the audience—the middle-class New Yorker's willingness to subcontract his theatergoing tastes to whoever happened to be manning the desk at the *New York Times*.

It's the same with the cravenness of the "mainstream" media—the willingness of editors and network producers to subcontract their news agenda to whatever's on the front page of the *Times*. "It's an unusual and powerful thing, this freedom that our founders gave to the press," mused Bill Keller, in a feeble and self-absorbed defense even by his standards. "The power that has been given us is not something to be taken lightly." But it wasn't given to him, it was given to the American people in whatever press outlet they choose to express themselves.

I support NATIONAL REVIEW's call for the withdrawal of White House press credentials from the paper. There's no reason for the government to maintain this publication in a gilded myopia that sees winning a Pulitzer as more important than winning a war. There's a difference between a bomb on Broadway and a bomb in Bali. **NR**

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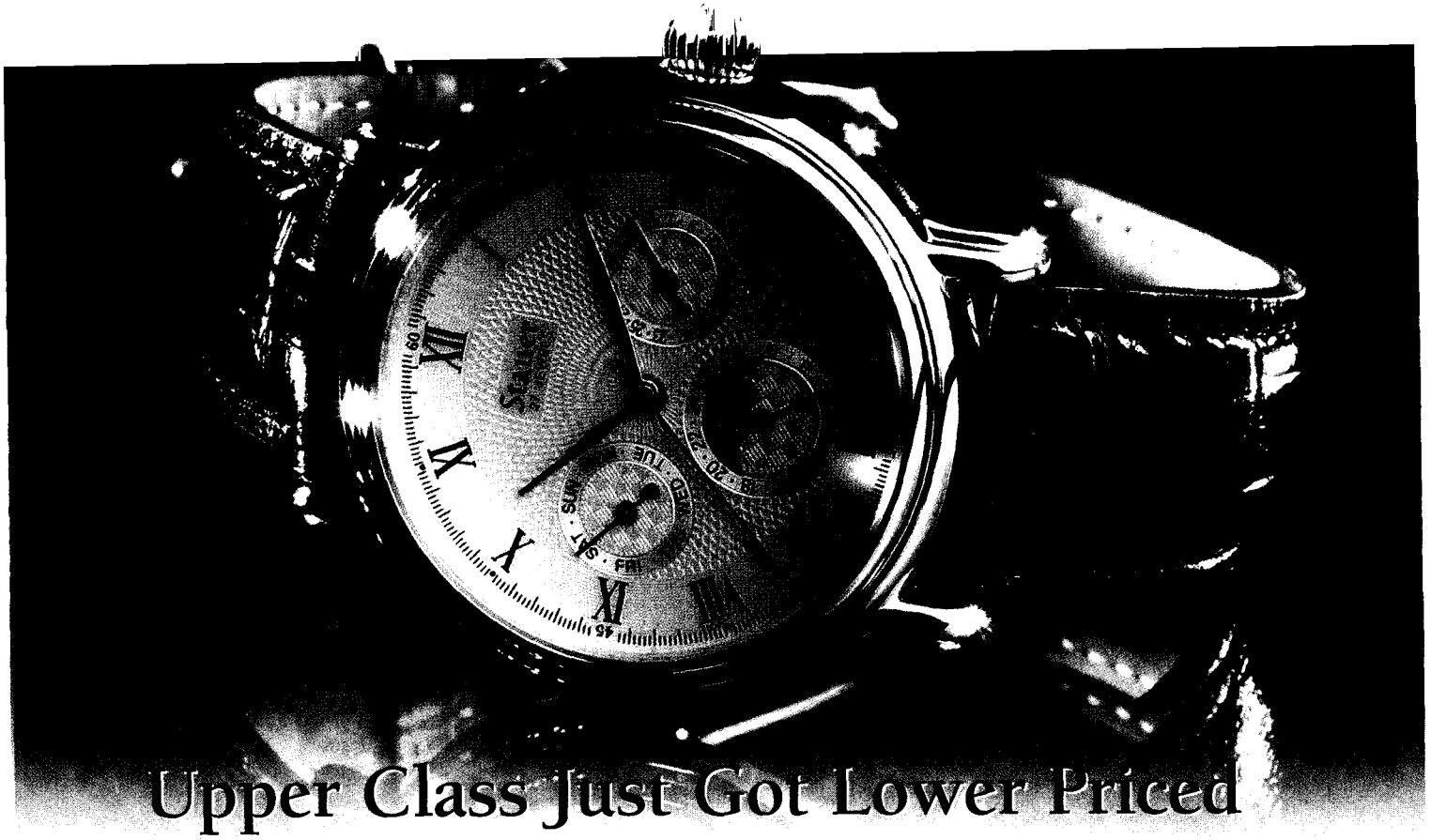

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